

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 April 2012

Public Authority: London Borough of Hackney
Address: Town Hall
Mare Street
London
E8 1EA

Decision (including any steps ordered)

1. The complainant requested full contact details for a named department within Hackney Council (the "Council") along with the Outlook diaries of two named officers and information in relation to a named project undertaken by the Council. To date, the complainant has not received a substantive response from the Council. The Information Commissioner's (the "Commissioner") decision is that the Council has breached section 10(1) of the FOIA by failing to respond to the complainant within the statutory time frame. The Commissioner requires the Council to respond to the complainant either providing the requested information or issuing a refusal notice valid under section 17 of the FOIA to ensure compliance with the legislation.
2. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

3. On 23 December 2011, the complainant wrote to the Council and requested information in the following terms:

"I am now making a NEW [emphasis added by complainant] Freedom of Information...Act [request] for the following information.

- *Copies of the Outlook diary for both [named officer] and [named officer] between April 2010 and 30 June 2011.*
 - *The Morning Lane Project and how this was developed and staff time spent on this. In particular how this project was endorsed by Senior Management of the London Borough of Hackney; the allocation of staff time authorised to be spent on this project; the confirmation that 'Declaration of Interest Forms' was completed by all staff involved in the project and the numbers and names of staff who have since left the London Borough of Hackney and are now working for the Morning Lane Project...".*
4. On 31 December 2011, the complainant made a further request to the Council in related correspondence. He wrote:
- "However, my review of the email bundles has highlighted the need for additional information, as follows...*
- Full contact details of the Head of the Audit and Anti-Fraud Team, so I can make contact with them...".*
5. To date, the Council has not provided the complainant with a substantive response to his requests.

Scope of the case

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. He was dissatisfied with the lack of a response from the Council and the fact that it had ignored its obligation to respond to information requests within the statutory timescale.

Reasons for decision

7. Section 10(1) of the FOIA states that:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

8. From the correspondence provided as part of his complaint to the Commissioner, it is evident that the Council has not provided a substantive response to the complainant compliant with section 10(1) of the FOIA.

9. The Commissioner contacted the Council as part of his investigation. The Council confirmed that it had received the requests from December 2011 but that it had not, to date, contacted the complainant and provided a substantive response.

Right of appeal

10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
Group Manager
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