

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2013

Public Authority: London Borough of Barnet
Address: North London Business Park
Oakleigh Road
South London
N11 1NP

Decision (including any steps)

1. The complainant has requested information in relation to a long-standing issue he has with the public authority. The public authority advises that it did not receive the request, but as the complainant chased a response shortly after making his request, the public authority was able to ask for a copy of the request still within the 20 working day limit for compliance. A copy was not submitted. The Information Commissioner concludes that there was no breach of the FOIA and he does not require any steps to be taken.

Background

2. There is a history of correspondence between the parties.

Request and response

3. On 10 September 2012, the complainant wrote to the public authority (using recorded delivery) and requested information in the following terms:

"I am writing to confirm that Barnet made an application (API) dated 22 March 2005 to the Land Registry in order to register a charge on [reference number redacted] claiming that [name

redacted] owed Barnet a sum of £1294. Will you please confirm this claim of Barnet Social Services”.

4. Having received no response, the complainant chased a reply on 21 September 2012 (again using recorded delivery). In this he described his original request as:

“The letter of 10 September 2012 has requested that Barnet confirms and provides information regarding an application to Land Registry that [name removed] was in dept [sic] to Barnet the sum of £1294 in 2005 as a result of which Barnet put a charge on [name removed]’s property”.

5. Receiving no response the complainant contacted the Information Commissioner on 27 September 2012.
6. In the interim, on 3 October 2012, the public authority wrote to the complainant acknowledging his letter of 21 September 2012 and advising it had not received the request of 10 September 2012. It asked him to forward a copy of that request; this was not done.
7. To assist with facilitating a solution the Information Commissioner provided the public authority with a copy of the original request on 18 December 2012. In its reply to the Information Commissioner, the public authority advised that it had previously responded to the complainant on this matter; it provided a copy of earlier correspondence to reflect this.

Scope of the case

8. The Information Commissioner will consider the way the public authority dealt with the information request and whether it is required to take any further action.

Reasons for decision

Section 10 – time for compliance **Section 1 – general right of access**

9. Section 1(1) of the FOIA provides that any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds the information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.

10. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) of the FOIA promptly and in any event not later than the twentieth working days following the date of receipt.
11. The complainant submitted his information request to the public authority initially on 10 September 2012; it was sent by recorded delivery but the public authority claims to have not received it. The complainant chased a response on 21 September 2012, again by recorded delivery, and the public authority responded to him on 3 October 2012 asking for him to resubmit his original request.
12. Based on the submissions made by both parties, the Information Commissioner is unable to reach a definitive conclusion as to whether or not the original request was received by the public authority. Nonetheless, based on the large amount of correspondence that has passed between the public authority and the complainant over the years, the Information Commissioner has no reason to believe that it would not have acknowledged and dealt with this particular request had it been received. Indeed, as it has since advised the Information Commissioner that it would have treated it as a repeat request then it would have been a simple task for it to provide a response.
13. The public authority states it did not receive the original request. The complainant chased a response only shortly after making his request and was asked by the public authority, still within the 20 working day limit, to forward it a copy of the original request.
14. The complainant did not forward a copy of the request. Accordingly, it is the Information Commissioner's decision that the public authority did not breach the FOIA.

Right of appeal

15. 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

16. 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.
17. 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
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