

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 3 July 2013

**Public Authority:** London Borough of Harrow  
**Address:** Civic Centre  
Station Road  
Harrow  
Middlesex  
HA1 2XF

#### Decision (including any steps ordered)

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1. The complainant has requested information from London Borough of Harrow ("the council") about penalty charge notices issued and successfully appealed during the period 2011-2012. The council did not provide a response to the request within 20 working days.
2. The Commissioner's decision is that the council has not responded to the complainant's request within the statutory time frame of 20 working days and so it breached section 10(1) of the FOIA. However, the council subsequently provided a response to the complainant and therefore the Commissioner does not require it to take any further steps to comply with the legislation.

#### Request and response

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3. On 7 March 2013, the complainant wrote to the council and requested the following information:  

*"How many Penalty charge notices were given for the contravention code 33H on Christchurch Lane, Harrow? How many of these PCN's were successfully challenged at appeal? I would like figures from 2011-2012 please."*
4. The council responded on 19 March 2013, confirming that it had received the request on 7 March 2013. It stated that it aimed to provide a response within 20 working days (that is, by 8 April 2013).
5. The council subsequently sent a response to the complainant on 22 April 2013, after the Information Commissioner intervened.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 9 April 2013 to complain about the fact that he had not received a response from the council to his request.
7. The Commissioner has considered whether the council complied with the FOIA.

## **Reasons for decision**

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8. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have that information communicated to him. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
9. In this case, to comply with the 20 working day time limit, the council should have responded by 8 April 2013. However, the Commissioner notes that the council sent a response to the complainant on 22 April 2013. It has not therefore responded to the complainant's request within the statutory time frame and so it breached section 10(1) of FOIA.

## Right of appeal

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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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**