

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 19 November 2013

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

### Decision (including any steps ordered)

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1. The complainant has requested information about two planning applications. Although he received some information not all of the requested information was provided. The Commissioner's decision is that the public authority has failed to provide a full response to the request within the statutory time frame of 20 working days. He requires it to comply with the outstanding request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information 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

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3. On 31 May 2013, the complainant wrote to the public authority and requested information in the following terms:

*"I would like to request any correspondence via mail, email and all relating documents form the last eighteen months to present day regarding planning issues concerning both [two addresses]  
Specifically all information and correspondence leading to Planning*

*Application REF 2013/0883 and Planning Application REF 2013/1081. Thank you very much for your time".*

4. The public authority responded on 6 June 2013. It provided some information, namely a document outlining why a planning application was refused; it did not cite any exemptions.
5. On 20 July 2013 the complainant wrote again asking why his request had not been fully dealt with. On 25 July 2013 the public authority advised that it understood his request to have been dealt with by way of its response of 6 June 2013.
6. On 25 July 2013 the complainant advised:

*"Thankyou very much for your response. However i clearly requested internal emails the relate to both cases 2013/1081 and 2013/0883.*

*The response attached from the planning department was not what I requested at the time although it has been useful. Please advise".*

7. The public authority acknowledged this on 25 July 2013 saying:

*"I do apologise for this.*

*I have asked the Planning Department to revisit your request and find the information that you've asked for, i.e. the emails.*

*I'll keep you posted on progress".*

## **Scope of the case**

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8. The complainant contacted the Commissioner on 12 August 2013 as he had heard nothing further from the public authority.

## **Reasons for decision**

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9. The Information Commissioner considered whether the public authority has responded to the request of 31 May 2013 in line with the provisions of the FOIA.
10. On 2 September 2013 the Commissioner advised the public authority about the complaint and invited it to respond to the complainant; however, despite his intervention the public authority has still not responded to the complainant's request for information. Section 10(1) of

the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.

11. From the information provided to the Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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12. 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)

13. 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.
14. 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**