

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 April 2015

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

#### Decision (including any steps ordered)

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1. The complainant has requested from the London Borough of Barnet ("the Council") information relating to the estimated costs of court and bailiff matters and the rescinding of a Liability order.
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with FOIA in the following way:
  - It failed to provide a response to the request within the statutory timeframe of 20 working days.
3. As a response has now been provided, the Commissioner requires the Council to take no steps.

#### Request and response

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4. On 8 October 2014, the complainant wrote to the Council about a complaint regarding Council tax. Contained within the letter was an information request. His request sought the following information:

*"Could you let me know (as a Freedom of Information request, if necessary) your estimated court and baliff costs in this matter .i.e. costs of the hearing and Liability order of 10/06/14, Could you also let me know how much the rescinding of the Liability order and de-instructing Equita will cost?"*

5. The Council responded on 11 December 2014. The response focussed solely on the Council tax complaint.
6. On 20 December 2014, the complainant wrote to the Council and informed it that it had failed to address his information request. He subsequently repeated the information he was seeking.
7. On 19 January 2015, the complainant contacted the Commissioner and explained that the Council had failed to respond to his information request.
8. The Commissioner wrote to the Council on 13 February 2015, providing it with a copy of the request and asking it to respond within 10 working days.
9. The Council provided the complainant with a response to his request on 2 March 2015. The response provided the complainant with the information he was seeking.
10. On 6 March 2015 the complainant asked the Council to carry out an internal review. His internal review request focussed on the Council's handling of the request and whether it complied with FOIA.
11. Following an internal review the Council explained it was satisfied that it had provided the complainant with an appropriate response and it considered that it had fulfilled its obligations under FOIA.

### **Scope of the case**

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12. The complainant contacted the Commissioner on 8 April 2015 to complain about the way his request for information had been handled.
13. Specifically, he disputed the Council's claim that it had handled the request in accordance with FOIA. He argued that it took the Council four months to provide him with the information he was seeking and it was therefore in breach of section 10 of FOIA.
14. The Commissioner has therefore had to consider whether the requested information was provided to the complainant within the statutory timeframe.

## Reasons for decision

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15. Section 10 of FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
16. The Commissioner notes that in this case, the request was received by the Council tax department and was not passed on to the information management team. The information management team were therefore unaware of its existence.
17. The Commissioner's guidance<sup>1</sup> states that for a request to be valid, the requester does not need to direct their request to a designated member of staff, although it would be helpful to do so. If the request is received by the wrong member of staff, the Commissioner considers that it is reasonable to expect that member of staff to forward the request to the relevant department who can deal with it accordingly.
18. In this case the request was not forwarded to the correct department. As a consequence, the Council did not provide the complainant with the requested information within the statutory time period.
19. The Commissioner's decision is that the Council did not deal with the request for information in accordance with the FOIA. It has breached section 10(1) of the FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days.
20. As a response has now been provided to the complainant, the Commissioner requires the Council to take no steps.

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<sup>1</sup> <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

## Right of appeal

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21. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

22. 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.
23. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**