

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 July 2016

Public Authority: London Borough of Tower Hamlets
Address: Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Tower Hamlets (the "Council") relating to personal data which may have been lost or stolen and what financial training has the youth service managers received.
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with section 10 of the FOIA in the following way:
 - It failed to provide a response to the request within that statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
 - Issue a response under the FOIA.
4. 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

5. On 6 May 2016, the complainant wrote to the Council and requested information in the following terms:
 - *Between 2013-2016 has any information, personal data, young people information been lost or stolen from the youth service?*
 - *If so have the information commissioners or police been informed? What action or recommendation has resulted?*
 - *If no information, personal data has been lost or stolen, what measures do you have in place as a protocol in such event?*
 - *What financial or budget management training have the youth service managers received from 2012 – 2016?*
 - *Please break down year by year and how many people attended the training, also the names of the training attended in relation to finance and budget management.*
6. The complainant informed the Commissioner that the Council has not responded but did acknowledge the request.

Scope of the case

7. The complainant contacted the Commissioner on 28 June 2016 to complain about the way her request for information had been handled.
8. The complainant specifically stated that the Council had not responded to her request but had sent an acknowledgment.
9. On 11 July 2016 the Commissioner wrote to the Council reminding the Council of its duties under the FOIA and asked it to respond to the request, if it had not done so already.
10. On 18 July 2016 the complaint contacted the Commissioner again, and stated that she had still not received a response to her request.
11. The Commissioner has had to consider whether the Council has handled the request in accordance with section 10 of the FOIA.

Reasons for decision

12. Section 10 of FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
13. From the information provided the Commissioner in this case, it is evident that the Council did not respond to the request within the statutory time frame of 20 working days. The Council has therefore breached section 10 of the FOIA.
14. As no response has been provided to the complainant, the Commissioner requires the Council to issue a response under 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Chris Hogan
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF