

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 5 April 2018

Public Authority: London Borough of Ealing
Address: Perceval House
14-16 Uxbridge Road
Ealing
London
W5 2HL

Decision (including any steps ordered)

1. The complainant has requested information relating to repair works at a specified property. The Council has failed to respond to the request; therefore the Commissioner's decision is that the Council has failed to comply with section 10(1) of the FOIA.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request: Firstly, confirm or deny that the requested information is held (or, if the public authority decides to refuse to confirm or deny that any of the requested information is held, then a refusal notice should be issued that complies with the requirements of section 17 of the FOIA).
 - Secondly, and subject to the above, if the information is held the public authority must either disclose the requested information or, if it wishes to withhold any information, issue a refusal notice in relation to the information it wishes to withhold and disclose the remainder.
3. 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 Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

4. On 6 November 2018 the complainant requested the following information from the Council:
5. *"Seeing as work has now re-commenced at the property. Can you update on my previous FOI request regarding the quotation to complete the repairs at 85A it is this figure still unknown?"*

Also for the previous repair works there was compensation paid to the tenants for lack of use of their facilities. I don't recall seeing this in the costs I was provided with for my FOI request."

6. The Council acknowledged receipt of the request on 6 November 2017.

Scope of the case

7. The complainant contacted the Commissioner on 19 January 2018 to complain that he had not received a response to his request.
8. The Commissioner wrote to the Council on 9 February 2018 and 2 March 2018 to request that it respond to the complainant's request.
9. On 5 March 2018 the Council advised the Commissioner that it hoped to respond to the complainant's request by 9 March 2018. On 9 March 2018 the Council advised the Commissioner that it was reviewing the information and that a response would issue shortly.

Reasons for decision

Section 1: general right of access **Section 10(1): time for compliance**

10. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
11. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.

12. Despite the Commissioner's intervention, the Council has failed to respond to the complainant's request. The Council has failed to confirm or deny that it holds the requested information, and has neither disclosed the requested information nor provided a valid refusal notice.
13. The Commissioner therefore finds the Council in breach of section 10(1) of the FOIA.

Right of appeal

14. 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 123 4504
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Tribunal website.
16. 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

**Sarah O’Cathain
Senior Case Officer
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**