

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2019

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

Decision (including any steps ordered)

1. The complainant made an information request to the London Borough of Hackney ("the London Borough"). The London Borough acknowledged the request and allocated it a reference number of FOI199.
2. The Commissioner's decision is that the London Borough of Hackney failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the London Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request to which it has allocated the reference number FOI199.
4. The London Borough 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

5. On 4 June 2018, the complainant made a request to the London Borough.¹
6. The London Borough acknowledged the request on the same day and allocated it the reference number of FOI199. However, it had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 5 December 2018 to complain about the failure, by the London Borough, to respond to the request and to conduct a review of another request.
8. In line with her usual practice, the Commissioner contacted the London Borough on 19 December 2018 to highlight the outstanding responses. She requested that the London Borough respond to both requests within 10 working days. The correspondence was acknowledged but no substantive responses were forthcoming. The Commissioner thus accepted a complaint in respect of both requests on 4 February 2019.
9. On 16 February 2019, the London Borough contacted the Commissioner to say that it had now completed its internal review but recognised that FOI199 remained outstanding. It noted that this was one of numerous information requests outstanding with one particular service area.
10. As the complainant confirmed that he was now happy with the response he had received to his second request, the Commissioner agreed that a decision notice would be appropriate in respect of FOI199 only.
11. The scope of this notice and the following analysis is to consider whether the London Borough has complied with section 10 of the FOIA.

¹ As the request was submitted via an online form, the complainant did not have a copy of the original wording. The Commissioner attempted to obtain an original copy from the London Borough for the purposes of issuing this notice but was unable to secure one within a reasonable timeframe.

Reasons for decision

12. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

13. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough has breached section 10 of the FOIA.

Right of appeal

17. 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@justice.gov.uk

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

18. 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.
19. 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

**Ben Tomes
Team Manager
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Water Lane
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Cheshire
SK9 5AF**