

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 June 2019

**Public Authority:** The London Borough of Camden  
**Address:** Town Hall  
Judd Street  
London  
WC1H 9JE

#### Decision (including any steps ordered)

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1. The complainant submitted a number of requests to the London Borough of Camden (the Council) seeking information about a particular property. It refused to respond to the requests on the basis of section 12(1) of FOIA arguing that to do so would breach the appropriate cost limit. During the course of the Commissioner's investigation the Council identified a quicker way of extracting the information and subsequently provided this to the complainant (with the exception of some third party names which were withheld on the basis of section 40(2) of FOIA). The Commissioner has concluded that by failing to disclose the information which it has now provided to the complainant within 20 working days the Council breached section 10(1) of FOIA.

#### Request and response

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2. The complainant submitted the following requests to the Council on 14 June 2018:
  1. *I will repeat I want to see a schedule of the costs that the L B Camden say they incurred in connection with 21 Harrington Sq/Happyvale Hotel.*
  2. *The schedule of costs should be broken down to show what contractors were paid and how much.*
  3. *You should also provide copies of letters or tender documents that the L B Camden sent to contractors explaining the work required. If the*

*request for the work was done by way of a bill of quantity then I want a sight of that document.*

4. *You should also provide a copy of reports made by electrical engineers about the standard of the electrical installation at the property.*
  5. *Surveyors reports should also be included.*
  6. *A copy of the submission made by Camden to their own building control department and the decision of the BC dept*
  7. *There are still tenants in the property. Who is the LB Camden paying their rent to?*
  8. *Please confirm that the LB Camden raised the rents from £96/100 per person to £275.00 per person after Camden took over management of the property.*
3. The Council responded on 26 June 2018. The Council explained that in relation to request 6 no submission to building control was made and therefore no information was held; requests 1 to 5 were refused on the basis of section 12 (cost limit) of FOIA and the Council explained that the information falling within the scope of requests 7 and 8 was considered to be exempt from disclosure on the basis of section 40(2) (personal data) of FOIA. In relation to the application of section 12, the Council explained that given the nature of the information requested and the manner in which it was held it could not usefully offer any advice and assistance in order to allow the complainant to submit a refined request which could be answered within the cost limit.
  4. The complainant contacted the Council on 9 August 2018 in order to ask it to conduct an internal review of this decision.
  5. The Council informed him of the outcome of the internal review on 2 October 2018. The review concluded that section 12 and section 40(2) had been correctly applied and in particular noted that *'where section 12 applies, it applies to the whole of the request and therefore should apply to all the questions asked. Therefore section 12 applies to the entirety of the request.'*

## Scope of the case

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6. The complainant contacted the Commissioner on 4 December 2018 in order to complain about the Council's handling of his requests. More specifically, he disputed the Council's position that providing this information would exceed the appropriate cost limit and also the Council's position that in any event the information is exempt from disclosure on the basis of section 40(2) of FOIA.
7. During the course of the Commissioner's investigation the Council contacted the complainant on 17 May 2019 and explained that whilst preparing its response to the Commissioner's enquiries to support its reliance on section 12, it had identified a far quicker way to extract the information requested. Therefore, it explained that it would be able to supply the information sought by requests 1 to 5, albeit with some small redactions, within the appropriate cost limit. The Council also explained that given the passage of time it no longer considered section 40(2) to apply to the information sought by requests 7 and 8 and it provided this information to the complainant. Finally, the Council noted that the complainant had not challenged its response to request 6.
8. The Council contacted the complainant again on 20 May 2019 and subsequently disclosed the information it held falling within the scope of requests 1 to 5 with a small number of redactions on the basis of section 40(2).
9. Following this disclosure of information, the complainant explained to the Commissioner that he was dissatisfied with the time it took the Council to provide him with the information he requested.

## Reasons for decision

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10. 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.'*

11. Section 10(1) of FOIA requires that a public authority must comply with section 1 promptly, and in any event, not later than the twentieth working day following the date of receipt.

12. As detailed above, the Council has now provided the complainant with the information falling within the scope of his request (subject to a minor number of redactions). However, the Council did not provide the complainant with this information within 20 working days of his request and this represents a breach of section 10(1) of FOIA.

**Right of appeal**

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

14. 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.

15. 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 .....**

**Jonathan Slee  
Senior Case Officer  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**