

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 August 2019

Public Authority: London Borough of Waltham Forest

Address: Town Hall
Forest Road
London
E17 4JF

Decision (including any steps ordered)

1. The complainant requested information drawn from the Fire Risk Assessment (FRA) conducted by Ridge and Partners LLP for Northwood Tower for the period 29 June 2018 to 29 June 2019.
2. The Commissioner's decision is that the London Borough of Waltham Forest ("the Council") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner does not require the Council to take steps in response to this decision notice, as a response has now been issued to the complainant.

Request and response

4. On 23 June 2019, the complainant wrote to the Council and requested information in the following terms:

"I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000. Please provide me with the following - all of which are drawn from the Fire Risk Assessment (FRA) conducted by Ridge and Partners LLP for Northwood Tower for the period 29/06/2018 - 29/06/2019.

1) Copies of PAT testing and visible inspections for portable appliances for the last five years.

2) Copies of the periodic inspections performed on the building's fixed wiring installation for the last five years.

- According to the document, 'fixed electrical installations to the common areas are subject to periodic inspections by professional accredited contractors in accordance with BS7671 and that all documentation and certification is kept centrally.'

3) Copies of maintenance inspections performed on the building's lightning protection system for the last five years.

- According to the document, 'the lightning protection system is being maintained in accordance with BS EN 623305 and that all documentation and certification is kept centrally.'

4) Copies of maintenance inspections performed on the building's heating systems for the last five years.

- According to the document, 'the gas installations are subject to regular gas safety checks, in accordance with the Gas Safety (Installation and Use) Regulations 1998 and that all documentation and certification is kept centrally.'

5) The stair treads have been treated with a Class 'O' coating. Why was the purpose of this? And how safe is the coating?

*I would like the above information to be provided to me in paper format and sent to the following address as per below:-
[Complainant's address]."*

5. The Council acknowledged the request on 24 June 2019 but had failed to provide a substantive response by the time of the complaint to the Commissioner.

Scope of the case

6. The complainant contacted the Commissioner on 23 July 2019 to complain about the failure, by the Council, to respond to the request.
7. In line with her usual practice, the Commissioner contacted the Council on 14 August 2019 to highlight the outstanding response. She requested that the Council respond to the request within 10 working days. Her correspondence was neither acknowledged nor responded to.
8. The complainant contacted the Commissioner on 15 August 2019 to request a decision notice considering the Council's compliance with the FOIA.
9. The complainant contacted the Commissioner again on 24 August 2019 stating that, following the Commissioner's intervention, they received a response from the Council on 23 August 2019.
10. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. 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.

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
14. 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.*"
15. 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 Council has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**