

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 28 November 2019

**Public Authority:** London Borough of Lewisham  
**Address:** Lewisham Town Hall  
1 Catford Road  
Catford  
London  
SE6 4RU

#### **Decision (including any steps ordered)**

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1. The complainant's company requested information about "blocks" under the London Borough of Lewisham's (the London Borough's) ownership.
2. The Commissioner's decision is that the London Borough 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 any steps to be taken in response to this decision notice.

## Request and response

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4. On 20 June 2019, the complainant's colleague wrote to the London Borough and requested information in the following terms:

*"Under the Freedom of Information Act, I would be grateful if the council could please identify which blocks in their borough are under their ownership and, within each, how many units exist. We also would like information on how many of those are still under ownership of the local authority and how many have been sold as leasehold under Right to Buy."*

5. The London Borough acknowledged the request on 20 June 2019.
6. Following a number of chaser emails from the complainant's organisation, the London Borough issued a response to the request on 6 October 2019.
7. The London Borough disclosed information relating to the blocks in the borough under their ownership, as well as how many units existed within each.
8. In respect of the remainder of the request the London Borough issued a "not held" response and directed the complainant to contact Lewisham Homes.

## Scope of the case

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9. The complainant contacted the Commissioner on 6 September 2019 to complain about the failure, by the London Borough, to issue its response in a timely manner. The complainant also stated that *"I have [...] requested an internal review of this process and had no response. These are not acceptable processes."*
10. As the complainant accepts the London Borough's "not held" response, and as there is no statutory obligation under the FOIA for the London Borough to complete the requested internal review, the Commissioner considers it proportionate to issue a decision notice concerning the timeliness of the London Borough's response.
11. The scope of this notice and the following analysis is therefore to consider whether the London Borough has complied with section 10 of the FOIA.

## Reasons for decision

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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

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**