

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

### **Decision notice**

**Date:** 23 November 2021

**Public Authority:** London Borough of Croydon  
**Address:** Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

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

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1. The complainant has requested correspondence on a particular matter from London Borough of Croydon. At the date of this notice, London Borough of Croydon has not provided a response to the request.
2. The Commissioner's decision is as follows:
  - London Borough of Croydon has breached section 10(1) of the FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - Provide a response to the complainant's request of 5 October 2021 that complies with the FOIA.
4. The public authority must take this step 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 Act and may be dealt with as a contempt of court.

## **Request and response**

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5. The complainant believes that he first requested the information below in September 2021 but has not been able to provide the Commissioner with a copy of the original request he submitted. He has, however, provided the Commissioner with examples of his ongoing correspondence with the Council during September and October 2021 in which he refers to the request. On 5 October 2021 the complainant again wrote to London Borough of Croydon ('the Council') and re-stated his request in the following terms:

"- all instructions and correspondence with [Redacted] on the [Redacted] matter, including but not limited to correspondence between [Redacted] and [Redacted]."

6. The complainant did not go on to receive a response and submitted a complaint to the Commissioner.
7. On 1 November 2021 the Commissioner wrote to the Council and instructed it to provide a response to this request, and a separate request, within 10 working days. On 19 November 2021 the complainant advised the Commissioner that he still had not received a response to either request.
8. The Commissioner wrote to the Council on 19 November 2021 for an update on the situation but did not receive a response to that correspondence.

## **Scope of the case**

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9. The complainant first contacted the Commissioner on 18 October 2021 to complain about the way his request for information had been handled.
10. The Commissioner's investigation has focussed on the Council's obligation under section 10(1) of the FOIA.

## **Reasons for decision**

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### **Section 10 – time for compliance**

11. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to him or her if it is held and is not subject to an exemption.
12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. The complainant submitted his request to the Council on 5 October 2021 and to date has not received a response under section 1(1). The Council has therefore breached section 10(1) with regards to this request.

## **Right of appeal**

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

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

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