

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

### **Decision notice**

**Date:** 17 December 2021

**Public Authority:** London Borough of Bexley  
**Address:** Bexley Civic Offices  
Broadway  
Bexleyheath  
Kent  
DA6 7LB

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

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1. The complainant has requested information on the spending related to a volunteer event. At the date of this notice, the London Borough of Bexley (the council) has not provided a response to the request.
2. The Commissioner's decision is that the council 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 steps to ensure compliance with the legislation:
  - Issue a substantive response to the request in accordance with the FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 18 October 2021, the complainant wrote to the council and requested information in the following terms:

*"Can the council's Procurement team please share information related to the council's spending on its "Volunteer Event" in early August 2021. Earlier, I have been told that this was done via a tender".*

6. To date, no response has been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 22 November 2021 to complain that they had not received a response to their request for information.
8. On 27 November 2021, the Commissioner wrote to the council and asked it to provide a response to this request within 10 working days. On 11 December 2021, the complainant advised the Commissioner that they still had not received a response to their request. The council has not responded to the Commissioner's correspondence.
9. The Commissioner therefore considers that the scope of this case is to determine whether the council has breached section 10(1).

## **Reasons for decision**

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### **Section 10 – Time for compliance**

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 requests, and*

*(b) if that is the case, to have that information communicated to him".*

11. Section 10 of the FOIA states that responses to requests made under the FOIA must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt"*.
12. 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.
13. The Commissioner requires the council to issue a substantive response in accordance with the FOIA.

## 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@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)

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

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