

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 January 2023

Public Authority: London Borough of Waltham Forest
Address: Waltham Forest Town Hall
Forest Road
Walthamstow
E17 4JF

Decision (including any steps ordered)

1. The complainant requested costs associated with a legal settlement. The above public authority ("the public authority") eventually disclosed the information, but outside the statutory timeframe.
2. The Commissioner's decision is that the public authority breached section 10 of FOIA as it failed to communicate the requested information within 20 working days.
3. The Commissioner does not require further steps.

Request and response

4. On 20 April 2022, the complainant wrote to the public authority and requested to know the total costs incurred by the public authority in respect of a legal settlement with the estate of a deceased person.
5. The public authority responded on 6 May 2022. It confirmed that it held the requested information, but it relied on section 40(2) of FOIA to withhold it.
6. The complainant challenged this refusal on the basis that, as the data subject had died prior to the request being made, the information could not be that individual's personal data. Following an internal review the public authority wrote to the complainant on 13 October 2022. It now denied that it held any information as the claim had been handled by its insurers.

Scope of the case

7. The complainant contacted the Commissioner on 13 October 2022 to complain about the way his request for information had been handled.
8. The Commissioner wrote to the public authority on 9 December 2022 to set out his initial view of the complaint. Whilst he accepted that the settlement may have been handled by an insurance company, he was sceptical that that would mean that the public authority would hold no recorded information whatsoever. Furthermore, he considered that information held by the insurers may well have been held on behalf of the public authority.
9. The public authority reconsidered its position and issued a fresh response on 3 January 2022.
10. The complainant was happy with the information ultimately disclosed but was unhappy that the Commissioner's intervention had been required in order to access the information he had requested. He therefore asked the Commissioner to make a formal record of the complaint.

Reasons for decision

11. Section 10 of FOIA requires a public authority to communicate any non-exempt information to the requester within 20 working days of the date of receipt.
12. In this case, it took the public authority eight months to communicate the requested information to the complainant. The Commissioner therefore records a breach of section 10 of FOIA in the way that the public authority dealt with this request.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

Roger Cawthorne
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