

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

### **Decision notice**

**Date:** 7 March 2023

**Public Authority:** London Borough of Redbridge  
**Address:** Lynton House  
255-259 High Road  
Ilford  
IG1 1NY

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

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1. The complainant has requested information from the London Borough of Redbridge ("the Council") about a particular rental property. The Council provided the complainant with the information that it holds, advising that it did not hold all of the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, the Council does not hold any further information in relation to this request. The Commissioner, however, finds that the Council breached section 10(1) of FOIA, as its response was not issued within 20 working days of receiving the request.
3. The Commissioner does not require the Council to take any steps as a result of this decision notice.

### **Request and response**

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4. On 1 April 2022, the complainant wrote to the Council and requested information in the following terms:

"I am writing to you under the Freedom of Information Act 2000 to request the following information from RBC Housing Standards/Licensing departments. Please may you provide me with all the information for the rental property mentioned above :

1. Record of email correspondence of all staff involved in relation to the above mentioned property from 15 April 2021 to 31 July 2022(both internal & external email correspondence)
2. Phone call records with all the external parties from 15 April 2021 to 31 July 2022.
3. Any notes in relation to above mentioned property from 15 April 2021 to 31 July 2022.
4. Has SPL for this property been revoked recently as false declaration was made to obtain the property licence in relation to Minimum Standards & the licence holder has failed to keep the licence conditions? 5. Action taken against the licence holder, if any?
6. If no action has been taken yet, reason for not taking any action against the licence holder?"
5. The Council responded on 20 September 2022 and provided some of the requested information to the complainant. It advised it did not hold information on telephone calls as these were not recorded.
6. Following an internal review, the Council wrote to the complainant on 18 November 2022. It provided a phone call record that was not disclosed with its original response and advised that no further information within the scope of the request was held.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 7 December 2022 to complain about the way their request for information had been handled.
8. The Commissioner has considered whether, on the balance of probabilities, the Trust holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

## **Reasons for decision**

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### **Section 1 general right of access**

9. Section 1 of 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”.
10. The Commissioner has sought to determine whether, on the balance of probabilities, the Council holds further information within the scope of the request.
  11. The Council explained that the officer releasing the information interrogated the Council’s regulatory database system and its corporate complaints system. All information regarding ongoing cases are recorded onto these databases.
  12. The Council explained that, in order to ensure all incoming and outgoing email correspondence in relation to the request had been captured onto the database, its IT department separately provided access to all email correspondence in relation to the request. The information was crossed checked as part of the internal review on the 18 November 2022 to ensure it did not differ from the information already released by the Council. The review concluded that one entry of a telephone call record dated 9 June 2021 was not included in the original release of information. This information was disclosed as part of the internal review of information. A search of the Council’s shared network G drive files was also undertaken to ensure no information had been stored on the network drive in relation to this case.
  13. The Council added that searches had been carried out using their database systems and that it operates a paperless system. It stated that, although hard copy letters are occasionally sent or hand delivered, no physical copy is kept and instead case officers would update the database following site visits or interventions on a case.
  14. The Council advised that it does not routinely maintain telephone call records and has also advised that it consulted all the relevant members of staff to determine if they hold any information within the scope of the request.
  15. The Commissioner acknowledges the complainant’s concerns and why they would consider some information had not been provided. He also notes that the complainant felt some of the disclosed information was misleading. However, the Commissioner advises the complainant that he can only investigate if the Council has complied with FOIA when responding to the request. Any concerns regarding how Council staff have acted would need to be directed to the relevant bodies.

16. On the balance of probabilities the Commissioner is satisfied that further requested information is not held by the Council, as he has not been provided with any evidence that the Council would hold further recorded information.
17. The Commissioner is satisfied that the Council has complied with the requirements of section 1(1) of FOIA.

## **Other Matters**

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### **Section 10**

18. Under section 10 of FOIA a public authority is obliged to respond to a FOIA request within twenty working days. In this case the Council failed to respond to the request within the statutory time for compliance. It therefore breached section 10 of FOIA in the handling of this request.

## Right of appeal

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19. 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)

20. 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.
21. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**