

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 May 2023

Public Authority: London Borough of Brent
Address: Civic Centre
Engineers Way
Wembley Park
Wembley
HA9 0FJ

Decision (including any steps ordered)

1. The complainant submitted a request to the London Borough of Brent ("the Council") for information relating to its complaints process.
2. The Commissioner's decision is that the Council was entitled to refuse the request under section 21(1) of FOIA.
3. The Commissioner does not require further steps as a result of this decision notice.

Request and response

4. On 7 February 2023, the complainant wrote to the Council and requested information in the following terms:

"Please accept this as a FOI to be provided with a copy of the process so that a complaint can be raised when one of your contractors are not fulfilling their obligations."
5. A response was provided on 6 March 2023 in which the Council explained that the information was exempt from disclosure under section 21 of FOIA as the information was reasonably accessible to the applicant, and it provided a link to where the complaints process could be accessed.
6. Upon receiving this response, the complainant requested an internal review on 6 March 2023, and on 9 March 2023, the Council provided its internal review response, in which it upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 14 March 2023 to complain about the way their request for information had been handled.
8. The Commissioner has considered the Council's handling of the request, in particular its application of section 21(1) of FOIA.

Reasons for decision

Section 21 – information accessible to applicant by other means

9. Section 21 of FOIA provides that information which is reasonably accessible to the applicant is exempt information.
10. Section 21 is an absolute exemption which means that there is no requirement to carry out a public interest test, if the requested information is exempt.
11. In its response, the Council provided a link to its complaints process, and in its internal review, it provided a copy of its complaints policy and explained that complaints are triaged to the appropriate department.

12. Upon accessing the link¹, provided to the complainant, the Commissioner found that it provided a summary of the Council's complaint handling procedure. Through the 'complaints and feedback' tab, a person can make a complaint and the Council's two stage complaints process is explained in further detail.
13. The Commissioner has noted the complainant's concern that "there is nothing in the link provided to answer my query." However, having searched the Council's website, the Commissioner has found that complaints are raised through a single complaints page. Furthermore, the complainant was informed that after submitting a complaint it would be triaged to the appropriate department.
14. The complainant also stated that the Council need to advise them where the information is "specifically located within the document." However, the Commissioner believes that in providing a direct link to the complaints process, the Council has provided precise directions to the information in this case.
15. As this information is reasonably accessible to the applicant and the Council has directed the complainant to where it can be located, the Commissioner is satisfied that section 21(1) of FOIA was correctly applied in this case.

¹ <https://www.brent.gov.uk/the-council-and-democracy/complaints-and-feedback/how-to-make-a-complaint#howwillyourcomplaintbedealtwith>

Right of appeal

16. 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

17. 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.
18. 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

Joanna Marshall
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF