

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

### **Decision notice**

**Date:** **5 October 2023**

**Public Authority:** **London Borough of Bromley**  
**Address:** **Bromley Civic Centre**  
**Stockwell Close**  
**Bromley**  
**BR1 3UH**

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

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1. The complainant requested information from the London Borough of Bromley (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA<sup>1</sup>.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 27 July 2023 the complainant wrote to the public authority and requested information in the following terms:

“Two cars collided with each other outside [address redacted], around [time and date redacted] resulting in damage to the protective railings outside [address redacted] or “street furniture” as it is sometimes know.

Police attended and will have a record of the vehicles in question from which insurance details could have been obtained. This was almost certainly an “at-fault” or “split liability” insurance claim, where Bromley Council could have taken reasonable steps to obtain reimbursement of the costs of its repairs from one of both of the relevant insurers. This was requested by local residents via [name redacted].

The repair to the railings took over 6 months and several attempts.

1. How much did the repair to the railings cost?
2. Was this cost reimbursed by insurers, or funder by the taxpayer?
3. If the cost was charged to the taxpayer, did Bromley Council make any attempt to recover its outlay from the relevant insurers?
4. If no attempt was made to contact the relevant insurers, why not?”

## Reasons for decision

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6. Section 1(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.”

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

8. On 18 September the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) of FOIA by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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11. 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-regulatorychamber](http://www.justice.gov.uk/tribunals/general-regulatorychamber)

12. 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.
13. 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**