

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated: 20th June 2005

Name of Public Authority: London Borough of Harrow

Address of Public Authority: PO BOX 57 Civic Centre
Harrow HA1 2XF

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 28th February 2005 and again on the 23rd March 2005 the following information was requested from the Legal Services Department, the London Borough of Harrow under section 1 of the Freedom of Information Act 2000 (the "Act"):

Five Annexes of information relating to a race grievance case.

It is alleged that the London Borough of Harrow failed to respond to the request for release of this information.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The London Borough of Harrow has failed to respond to the complainant in writing and within 20 working days following the receipt of the request for information. In doing so, The London Borough of Harrow has contravened the requirements of Part 1 of the Act, section 10(1), which states;

"Subject to subsections (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt."

The Commissioner's decision in this case is that the London Borough of Harrow has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to either comply with section 1(1) or section 17 within the time limit set out in section 10(1).

Action Required

In view of the matters referred to above the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he requires that the London Borough of Harrow, within 30 days of the date of this Decision Notice –

- (a) inform the complainant whether it holds information of the description specified by her in the request and, if it does, provide that information to her, or
- (b) provide the complainant with a refusal notice in accordance with section 17 of the Act.

Failure to comply

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 20th day of June 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF