

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 14 February 2006

Name of Public Authority: London Borough of Brent
Address of Public Authority: Brent Town Hall
Forty Lane
Wembley
Middlesex
HA9 9HD

The Information Commissioner (the "Commissioner") has received a complaint which states that on February 7 2005 the following information was requested from London Borough of Brent (the "Council") under section 1 of the Freedom of Information Act 2000 (the "Act"):

'...a copy of any documentation that resulted from my letters of 8.5.04 (second letter), about which I reminded you in my letters of 1.6.04 and 3.7.04.'

It is alleged that:

The Council failed to respond to the information request within 20 working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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.

Upon careful consideration by the Information Commissioner, the Commissioner upholds the complaint and the decision is as follows:

The complainant submitted an information request on the 7th February 2005. This request was followed up by the complainant by letter, dated 18th March 2005, requesting a response to the initial request. The complainant did not receive a response to either of the letters and submitted a complaint to the Commissioner.

Following intervention by the Commissioner, on the 7th October 2005 the Council sent a response to the information request, dated 7th February 2005. This response explained what action had occurred following the complainants letter, dated the 8th May 2004, and also stated that no documentation had

resulted from this letter.

The Commissioner's decision, in this case, is that the Council did not deal with the complainant's request in accordance with the requirements of Part 1 of the Act in that it failed to comply with section 1(1) within the time limit set out in section 10(1).

Section 1(1) of the Act states:

"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."

Section 10(1) of the Act states:

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

Action Required

In view of these matters, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Brent Council.

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
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 6000 877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

Reference: FS50074158

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 14th day of February 2006

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF