

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2011

Public Authority: London Borough of Greenwich
Address: Town Hall
Wellington Street
Woolwich
London SE18 6PW

Decision

1. The complainant wrote to the London Borough of Greenwich (the "council") and requested the following information:

Information about the council's discussions with the Commissioner regarding a complaint which had been submitted by the complainant.
2. The Information Commissioner's (the "Commissioner") decision is that the council did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require the council to take any steps.

Request and response

4. On 23 August 2011, the complainant wrote to the council and requested information in the following terms:

"(In relation to the complainant's complaint to the Commissioner) copies of all the e-mail and any other correspondence and any other documents relevant to contact with them about this request.

If there have, in addition, been any telephone conversations with the Information Commissioner's Office about this request, please supply the dates times and contents of all these and the names and positions (job titles) of all members of staff involved, both at Greenwich Council and at the Information Commissioner's Office.

All in all, the information supplied should at least answer these 2 questions in full.

1. What did the Information Commissioner's Office tell you about this request?
 2. Who at the Information Commissioner's Office advised you about this request?"
5. On 24 August 2011 the council wrote to the complainant and explained "your matter is now in the hands of the ICO and not the Council, therefore you will not be receiving any further communications from us."

Scope of the case

6. On 19 October 2011 the complainant contacted the Commissioner to complain about the council's failure to respond to their request.
7. The Commissioner has investigated whether the council has responded to the request within the statutory time limit set within the FOIA.

Reasons for decision

8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. On 15 November 2011 the council responded to the request.
10. It is clear to the Commissioner that the council has failed to deal with the request in the time limit set within the FOIA.

Other matters

11. Although they do not form part of this decision notice, the Commissioner wishes to note that the following matters.
12. The introduction to the code of practice issued under section 45 of the FOIA (the "code") states:

"All communications in writing to a public authority, including those transmitted by electronic means, may contain or amount to requests for information within the meaning of the Act, and so must be dealt with in accordance with the provisions of the Act. While in many cases such

requests will be dealt with in the course of normal business, it is essential that public authorities dealing with correspondence, or which otherwise may be required to provide information, have in place procedures for taking decisions at appropriate levels, and ensure that sufficient staff are familiar with the requirements of the Act and the Codes of Practice issued under its provisions.”¹

13. Although the introduction does not form part of the code itself the Commissioner would echo its recommendations. He accepts that, in this instance, the council might have been acting in good faith in explaining that the matters raised by the complainant were being addressed by the Commissioner. However, he expects that, in future, the council will respond to requests for information within the appropriate time limits.

¹ <http://www.justice.gov.uk/guidance/docs/foi-section45-code-of-practice.pdf>

Right of appeal

14. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

15. 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.
16. 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

Andrew White
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