

Freedom of Information Act 2000

Decision notice

Date: 16 January 2014

Public Authority: London Borough of Sutton
Address: Civic Offices
St Nicholas Way
Sutton
Surrey
SM1 1EA

Decision (including any steps ordered)

1. The complainant requested information regarding the London Borough of Sutton's policies on various matters relating to children. The Commissioner's decision is that the London Borough of Sutton breached the Act as it did not provide a response to the complainant within the stipulated time limit.
2. However, the Commissioner does not require the public authority to take any steps.

Request and response

3. On 2 July 2013, the complainant wrote to the London Borough of Sutton and requested information in the following terms:

"In accordance with the Data Protection Act of 1998 and the Freedom of Information Act 2000 where applicable, I am seeking:

...

12. *Please also provide full details of the policies followed by the local authority in relation to school applications and domestic violence claims and the process of assessing financial s17 [of Children Act 1989] child in need claims"*

4. The Commissioner has confirmed with the complainant that the first 11 items of this letter were subject access requests made under the Data Protection Act 1998.
5. The London Borough of Sutton responded to the complainant's subject access request on 6 August 2013 asking for the complainant to consent to an extension for its response. Based on the information in the correspondence it appears that the London Borough of Sutton received the requests on 12 July 2013.
6. The London Borough of Sutton only responded to the request made under the Act on 30 October 2013 following the intervention of the Commissioner. This response provided links to the relevant guidance and also provided hard copies of the relevant documents. However, this response was sent to an incorrect address. The information was not received by the complainant until the Commissioner provided her with a copy of the response on 31 October 2013. (The London Borough of Sutton has however since provided the information to a correct address for the complainant following a request made of it by the Commissioner. This is because the complainant still wished to receive it directly from the Council.)

Scope of the case

7. The complainant contacted the Commissioner on 20 September 2013 to complain about the way her request for information had been handled.
8. The Commissioner considers the scope of the case to be whether the London Borough of Sutton provided a response to the complainant's request in accordance with the Act.

Reasons for decision

9. Section 1 of the Act states that an individual who asks for information is entitled to be informed whether the information is held, and – providing no exemptions apply – if the information is held to have the information communicated to them.
10. Section 10 of the Act states that a public authority must respond to a request promptly or "not later than the twentieth working day following the date of receipt".
11. Based on the information provided it is evident that the London Borough of Sutton received the request by at least 12 July 2013. As its response

was not provided to the complainant within twenty working days of that date, the London Borough of Sutton is in breach of section 10.

Other matters

12. In the London Borough of Sutton's response there is no mention of its internal complaint procedure or details for how to contact the Commissioner under the appeals process afforded by section 50 of the Act.
13. This is not required under the terms of the Act in an instance where a public authority is providing the information it holds. However the Commissioner considers it good practice as the requester might not be satisfied with the response and wish to complain, particularly when the response provided exceeds the time for compliance under section 10.
14. The Commissioner asks that the London Borough of Sutton considers whether to alter its responses in future to ensure that a requester receiving information is, where appropriate, afforded the appropriate details of how to complain about a response.

Right of appeal

15. 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: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

16. 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.
17. 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

Alexander Ganotis
Complaints Resolution – Group Manager
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SK9 5AF