

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 November 2021

Public Authority: London Borough of Croydon
Address: Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

Decision (including any steps ordered)

1. The complainant has requested information from London Borough of Croydon about its spend on a particular matter. At the date of this notice, London Borough of Croydon has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - London Borough of Croydon has breached section 10(1) of the FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 16 September 2021 that complies with the FOIA.
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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 16 September 2021, the complainant wrote to London Borough of Croydon ('the Council') and requested information in the following terms:

"In the meantime, we hereby make a Freedom of Information request with regard to the total legal spend of the Council on these matters to date and also request the contact details of the auditors who are reviewing issues associated with the Council in connection with its publicly documented financial and operational issues."

6. The complainant did not go on to receive a response and submitted a complaint to the Commissioner.
7. On 1 November 2021 the Commissioner wrote to the Council and instructed it to provide a response to this request, and a separate request, within 10 working days. On 19 November 2021 the complainant advised the Commissioner that he still had not received a response to either request.
8. The Commissioner wrote to the Council on 19 November 2021 for an update on the situation but did not receive a response to that correspondence.

Scope of the case

9. The complainant first contacted the Commissioner on 18 October 2021 to complain about the way his request for information had been handled.
10. The Commissioner's investigation has focussed on the Council's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to him or her if it is held and is not subject to an exemption.

12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. The complainant submitted his request to the Council on 16 September 2021 and to date has not received a response under section 1(1). The Council has therefore breached section 10(1) with regards to this request.

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: 0203 936 8963

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF