

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 September 2022

Public Authority: London Borough of Hackney Council

Address: Town Hall
Mare Street
London
E8 1EA

Decision (including any steps ordered)

1. The complainant has requested information associated with services provided by a specific care home company. At the date of this notice, London Borough of Hackney Council ('the Council') has not responded to the request.
2. The Commissioner's decision is as follows:
 - The Council has breached section 10(1) of FOIA as it has not provided a response to the complainant's request within 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - Provide a response to the request of 8 April 2022 that complies with FOIA.
4. The Council 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. In correspondence dated 8 April 2022 the complainant wrote to the Council by recorded delivery and requested information in the following terms:

“Please would you kindly provide me with copies of all documents, information and data which the London Borough of Hackney holds in relation to the provision of services to the Council by Future Carehomes Limited but excluding copies of invoices or remittance advices.”

6. The complainant received confirmation from Royal Mail that their letter to the Council had been delivered and signed for on 12 April 2022.
7. On 18 May 2022 the complainant wrote to the Council again as they had not received a response to their request.

Scope of the case

8. The complainant contacted the Commissioner on 22 July 2022 to complain because the Council had not responded to the request.
9. The Commissioner wrote to the Council on 1 August 2022 and instructed it to respond to the request within 10 working days. The Council acknowledged receipt of the Commissioner's correspondence on the same day.
10. On 26 August 2022 the complainant advised the Commissioner that the Council had not responded to their request. The Commissioner wrote to the Council again the same day and asked it to update him on the situation by close of Wednesday 31 August 2022. He did not receive any response from the Council.
11. It is therefore necessary for the Commissioner to conclude this matter formally and he will consider whether the Council has complied with its obligation under section 10(1) of FOIA.

Reasons for decision

12. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
13. Section 10(1) states that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
14. The complainant submitted their FOIA request to the Council on 8 April 2022 and is yet to receive a response to it. The Council has therefore breached section 10(1) of FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

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