

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 2 November 2022

Public Authority: Health and Safety Executive

Address: Knowledge Centre
1G Redgrave Court
Merton Road
Bootle
L20 7HS

Decision (including any steps ordered)

1. The complainant requested information in regard to asbestos in the Walthamstow Town Hall. By the date of this notice, the Health and Safety Executive ("the HSE") had not issued a substantive response to this request.
2. The Commissioner's decision is that the HSE has breached Regulation 5(2) in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the HSE to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.
4. The HSE must take these steps 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 Freedom of Information Act and may be dealt with as a contempt of court.

Request and response

5. On 5 July 2022, the complainant wrote to the HSE and requested information in the following terms:

"Please will you forward copies of correspondence (e-mails, letters, etc.) regarding asbestos in the Walthamstow Town Hall complex between the HSE and London Borough of Waltham Forest in the period 2010 to 2015"
6. The HSE acknowledged the request on 15 August 2022. To date, a substantive response to the request has not been issued.

Reasons for decision

7. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."
8. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."
9. From the evidence provided to the Commissioner in this case, it is clear that the HSE did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the HSE has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

10. 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

11. 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.
12. 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

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