

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 October 2012

Public Authority: Transport for London
Address: 6th Floor, Windsor House
42-50 Victoria Street
London, SW1H 0TL

Decision (including any steps ordered)

1. The complainant has requested information about monitoring data of racial groupings.
2. Transport for London (TfL) sought clarification from the complainant before it could respond to the request which was subsequently provided.
3. The Commissioner's decision is that TfL has breached section 10(1) of the FOIA in that it failed to respond to the request within 20 working days of receipt of the clarification of the request.
4. The Commissioner does not require TfL to take any steps.

Request and response

5. On 4 May 2012, the complainant wrote to TfL and requested information in the following terms:
 - *Monitoring data of Racial Groupings in TfL. I would like to have the data of:*
 - a. *Transport Planning Department - London Underground Limited*
 - b. *Strategy and Commercials Directorate*
 - c. *Operations Directorate - This is where you have Station Staff and Train Operators.*
 - d. *London Underground Limited*
 - e. *Transport for London*
 - *Monitoring Data for Racial Grievances raised for the following as well:*

- a. *Transport Planning Department - London Underground Limited*
 - b. *Strategy and Commercials Directorate*
 - c. *Operations Directorate - This is where you have Station Staff and Train Operators.*
 - d. *London Underground Limited*
 - e. *Transport for London*
6. TfL responded on 9 May 2012 asking for further clarification of the request.
 7. The complainant provided further clarification in the following terms:
 - *Reference to monitoring data was as published in your Equality document Issue no: A2 of October 2010. In that document you stated that Equality targets shall be developed and progress in achieving targets will be monitored on an annual basis.*
 - *Section 3.2.2 (e) of that document stated Ultimately to change the underlying culture of sexism and racism.*
 - *Section 4.2.3 stated that all managers "Shall deal promptly with any complaints, grievances and disciplinary issues.*
 - *In response to your questions. I wanted to know the numbers and/or percentage proportions of each of the racial groupings in the classification I have identified.*
 8. TfL advised that a response would be provided by 6 June 2012.
 9. On 21 May 2012 TfL wrote to the complainant again advising that it was unable to identify the information requested, and asked for further clarification.
 10. The complainant replied on the same day and provided the names of the people he believed had been the head of each team during the time period requested.
 11. On 31 May 2012 TfL wrote to the complainant advising it was still not clear about the information requested.
 12. The complainant responded the same day and provided an organisation chart from September 2010.
 13. On 18 July 2012 TfL provided a response to the complainant.

Scope of the case

14. The complainant contacted the Commissioner to complain about the way his request for information had been handled and requesting that a decision notice be issued.
15. The Commissioner notes that the complainant has now received a response to his request and that his complaint in this case relates solely to the delay in responding to the request of 4 May 2012.
16. The scope of the Commissioner's investigation is to consider whether there has been a breach of section 10(1).

Reasons for decision

17. Section 10(1) of the FOIA states:
"..a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."
18. The Commissioner contacted TfL to establish when a response had been issued. TfL stated that they received clarification of the request on 31 May 2012 and had subsequently issued its response on 18 July 2012, 34 days after receipt of the request.
19. TfL acknowledged that it had breached section 10(1) of the FOIA by providing a response outside the 20 working days allowed.
20. The Commissioner has therefore recorded a breach of section 10(1) of the FOIA.

Right of appeal

21. 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

22. 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.
23. 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

Pamela Clements
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