

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 January 2017

Public Authority: London Borough of Barking & Dagenham
Address: Barking Town Hall
1 Town Square
Barking
IG11 7LU

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Barking & Dagenham ("the Council") relating to the Council's records, policies and guidance on the handling of requests submitted to the Council under both the FOIA and the Environmental Information Regulations 2014 ("EIR").
2. The Commissioner's decision is that the Council did not deal with the request for information in accordance with FOIA in the following way:
 - It failed to provide a response to the request within the statutory timeframe of 20 working days.
3. As a response has now been provided, the Commissioner requires the Council to take no steps.

Request and response

4. On 13 January 2016, the complainant wrote to the Council and requested information in the following terms:

"We are examining the way in which the Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR) are operating in local government with a view to publishing a report which will highlight good practice."

In this connection we would be grateful if, under the terms of the FOIA, you could provide us with copies of, or links to, the following:

(a) any current policies or guidance for staff or the public on the FOIA/EIR produced by the authority;

(b) any annual or quarterly reports on the authority's FOIA/EIR performance which it has produced during the last two years. If reports are produced more frequently (e.g. monthly/weekly) please also supply the last two such reports;

(c) annual FOIA/EIR statistics for the last two years showing the numbers of requests received and the numbers complied with within the statutory time limits (unless these are already included in your response to part b)."

5. The Council responded on 4 January 2016. It stated: *"We are dealing with your request under the Freedom of Information Act 2000 and we aim to send a response by 11 February 2016."*
6. The complainant sent reminders asking the Council to respond to her request on 18 March 2016 and 21 March 2016.
7. The Council responded on 4 April 2016 stating that the information was not held.
8. The complainant asked the Council to conduct an internal review on 5 April 2016, and issued a reminder on 17 June 2016. The Council did not respond.
9. The complainant contacted the Commissioner on 6 October 2016 to complain that the Council had failed to respond to her request for an internal review. The Commissioner subsequently accepted the case for investigation without an internal review having been conducted, and asked the Council to reconsider its response.
10. The Council responded on 4 January 2017. It provided the complainant with the requested information.

Scope of the case

11. Upon receipt of the complaint, the Commissioner advised the complainant that she had accepted the case for investigation without an internal review having been carried out, and asked the Council to reconsider its response of 4 April 2016.

12. After receiving the information, the complainant returned to the Commissioner and asked for a decision notice to be issued to consider the Council's compliance with section 10 of the FOIA.
13. The Commissioner has therefore had to consider whether the Council has handled the request in accordance with section 10 of the FOIA.

Reasons for decision

14. Section 10 of the FOIA states that "a public authority must respond to a request promptly and not later than the twentieth working day from the date of receipt."
15. From the information provided to the Commissioner in this case, it is evident that the Council did not respond to the request within the statutory timeframe of 20 working days.
16. The Council has therefore breached section 10 of the FOIA. As a response has now been provided to the complainant, the Commissioner requires the Council to take no steps.

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: 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

Christopher Hogan
Team manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF