

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 1 March 2018

**Public Authority:** London Borough of Newham  
**Address:** Town Hall  
Barking Road  
East Ham  
London  
E6 2RP

#### Decision (including any steps ordered)

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1. The complainant requested copies of two Fire Risk Assessments carried out at a specific address.
2. The Commissioner's decision is that the London Borough of Newham ("the London Borough") failed to respond to the request within 20 working days and thus breached Section 10 of the Freedom of Information Act 2000 ("the Act")
3. As a response has now been issued, the Commissioner does not require the London Borough to take any further steps.

#### Request and response

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4. On 16 October 2017, the complainant wrote to the London Borough and requested information in the following terms:

*Newham Council has stated that, since 1 October 2006, three Fire Risk Assessments have been carried out in relation to [address redacted], on: 22nd January 2010, 6th November 2012, and most recently 6th October 2017.*

*I would like to get a copy of the Fire Risk Assessment carried out on 22nd January 2010 and the one carried out on 6th October 2017.*

5. The London Borough acknowledged the request on 17 October 2017.
6. The complainant chased the request on 15 November 2017, 17 December 2017 (when he requested an internal review of the time taken to respond) and 13 January 2018. On 15 January 2018, the London Borough emailed the complainant to say that the 6 October 2017 assessment had not been “formally completed and verified” and therefore it was delaying its response until such times as both assessments could be provided.
7. The London Borough issued its substantive response on 16 February 2018. It provided a copy of the 2010 assessment but stated that no assessment had been carried out on 6 October 2017.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 29 January 2018 to complain about the delay in responding to his request for information.
9. In accordance with her usual practice, the Commissioner contacted the London Borough on 15 February 2018 to notify it of the outstanding response and requesting that the London Borough issue a substantive response within 10 working days.
10. The complainant contacted the Commissioner again on 26 February 2018 to request a Decision Notice considering the London Borough’s compliance with the Act.
11. The Commissioner considers that the scope of this investigation is to determine whether the London Borough has complied with Section 10 of the Act.

### **Reasons for decision**

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12. Section 1(1) of the Act states that:

*Any person making a request for information to a public authority is entitled –*

- (a) *to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) *if that is the case, to have that information communicated to him.*

13. Section 8(1) of the Act states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

14. The Commissioner considers that the request in question fulfilled these criteria, and therefore constituted a valid request for recorded information under the Act.

15. Section 10 of the Act states that response to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*

16. From the evidence provided to the Commissioner in this case, it is clear that the London Borough did not respond to the request within 20 working days and has therefore breached Section 10 of the Act.

## Right of appeal

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17. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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** .....

**Alun Johnson**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**