

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 9 October 2019

**Public Authority:** London Borough of Waltham Forest

**Address:** Town Hall  
Forest Road  
London  
E17 4JF

#### **Decision (including any steps ordered)**

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1. The complainant requested various information concerning the London Borough of Waltham Forest's ("the Council's") "Vexatious Register".
2. The Commissioner's decision is that the Council failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner does not require the Council to take steps in response to this decision notice, as a response has since been issued.

## Request and response

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4. On 25 July 2019, the complainant wrote to the Council and requested information in the following terms:

*"Dear London Borough of Waltham Forest,*

*I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000 (FOIA).*

*Please will you provide me with the following:-*

- 1) A copy of your Vexatious Complaints Procedure.*
- 2) What date did the council begin to hold a Vexatious Register? Is it held centrally or by department?*
- 3) Since the Vexatious Register began, how many residents have been placed on it? And why?*
- 4) What is the average length that residents are placed on the Register?*
- 5) How many letters have been sent to residents informing them that their access to the complaints process has been restricted, when their vexatious status will be reviewed and the method in which they are expected to make contact in the future (e.g. letter only)?*
- 6) Have there ever been any instances where Waltham Forest have used the Register to punish a resident for speaking out (e.g. poor workmanship, defects and refurbishment works)?*

*I would like the above information to be provided to me in paper format and sent to the following address as per below:-*

*[Complainant's address]"*

5. The Council acknowledged the request on 20 August 2019.

## Scope of the case

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6. The complainant contacted the Commissioner on 23 August 2019 to complain about the failure, by Council, to respond to the request.

7. In line with her usual practice, the Commissioner contacted the Council on 18 September 2019 to highlight the apparently outstanding response. She requested that the Council respond to the request within 10 working days. Her correspondence was neither acknowledged nor responded to.
8. The complainant contacted the Commissioner on 18 September 2019 to request a decision notice considering the Council's compliance with the FOIA.
9. The Commissioner contacted the complainant on 19 September 2019 to clarify whether or not a response had since been issued by the Council. The complainant contacted the Commissioner the same day to confirm that a response had been received by post on 11 September 2019.
10. The complainant provided the Commissioner with a copy of this response. The Commissioner notes that the response letter is not dated.
11. The scope of this notice and the following analysis is to consider whether Council has complied with section 10 of the FOIA.

### **Reasons for decision**

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12. Section 1(1) of the FOIA 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 FOIA 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 FOIA.

15. Section 10 of the FOIA states that responses 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. The complainant's request was acknowledged 18 working days from the date of receipt.
17. The Council's response was not dated, which gives the Commissioner no reason to doubt that the complainant received the response on 11 September 2019.
18. The Council did not respond to the Commissioner's 18 September 2019 correspondence and so provided no clarifications regarding the date their response was issued.
19. The Commissioner therefore has no reason to believe that a response was issued within 20 working days of receipt of the request. Therefore, her decision is that the Council has breached section 10 of the FOIA.

## Right of appeal

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20. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

21. 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.
22. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**