

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 July 2021

Public Authority: London Borough of Waltham Forest
Address: Waltham Forest Town Hall
Forest Road
London E17 4JF

Decision (including any steps ordered)

1. The complainant requested from the London Borough of Waltham Forest ("the Council") information relating to heating and hot water outages on the Walnut Court housing estate. By the date of this notice the Council had not provided a substantive response to this request.
2. The Commissioner's decision is that the Council has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Council 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 FOIA.
4. The Council 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 22 April 2021, the complainant wrote to the Council and requested information in the following terms:

"Please will you provide me with an answer to the following:-

- 1. A list of all the communal breakdowns of hot water outages on the Walnut Court estate for the last five years.*

- 2. A list of all the communal breakdowns of heating outages on the Walnut Court estate for the last five years.*
- 3. The name/s of the council's commercial contractor/s involved in carrying out the repair/repairs?*
6. The Council wrote to the complainant on 23 April 2021 to acknowledge the request.
7. By the date of this notice the Council had not provided the complainant with a substantive response to her request.

Scope of the case

8. The complainant contacted the Commissioner on 21 May 2021 to complain about the Council's failure to respond to her request.
9. The Commissioner contacted the Council on 30 June 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. The Commissioner also contacted the complainant on 30 June 2021 to explain that the Council had been given 10 working days from that date within which to provide a response to his request.
11. On 13 July 2021 the Council wrote to the Commissioner to ask for further time to respond to the complainant's information request. The Council stated that it would endeavour to respond to the complainant's request by 23 July 2021.
12. The Commissioner responded to the Council on 14 July 2021 to acknowledge the Council's correspondence.
13. By the date of this notice, the Council had not provided the complainant with a substantive response to her request.
14. The scope of this notice and the following analysis is to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

15. Section 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.

16. 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.*”

17. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner’s decision is that the Council has breached section 10 of the FOIA.

Right of appeal

18. 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

19. 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.

20. 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

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