

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

### **Decision notice**

**Date:** 5 December 2022

**Public Authority:** London Borough of Waltham Forest  
**Address:** Town Hall Complex  
Forest Road  
London  
E17 4JA

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

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1. The complainant has requested London Borough of Waltham Forest (the Council) to disclose information relating to Council owned Local Authority Trading Companies (LATC's). The Council disclosed some information but stated that the remainder is exempt from disclosure under section 21 of FOIA, as it is accessible to the complainant by other means. For one element, it stated that the information has been provided but it was not in full.
2. The Commissioner's decision is that section 21 of FOIA applies, except in relation to the turnover of each LATC. For the email addresses requested, although the Council states that this information has been provided, the complainant and Commissioner cannot see where or when this information was disclosed.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Disclose the turnover of each active LATC at the last year end accounts.
  - Either disclose the email address of the CEO/MD and Board Chair of each active LATC to the complainant, or issue a refusal notice in accordance with section 17 of FOIA.

4. The public authority 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**

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5. On 1 July 2022, the complainant wrote to the Council and requested information in the following terms:  
  
"1. How many have been created last 10 years?  
  
2. How many are currently active?  
  
3. Registered company name, number of each active LATC at Companies House, incl year incorporated?  
  
4. Primary purpose/trading activity of each active LATC?  
  
5. Turnover of each active LATC at the last year end accounts?  
  
6. Names of CEO/MD and Board Chair's of each active LATC, including email address?"
6. The Council responded on 14 July 2022. It disclosed all the information except the date of incorporation, the primary purpose/trading activity and the turnover of each active LATC. It stated that this information is publicly available at Companies House.
7. The complainant requested an internal review on 14 July 2022. They stated that the turnover is not publicly available and the email addresses have not been provided.
8. The Council carried out an internal review and notified the complainant of its findings on 9 August 2022. It stated the turnover is available at Companies House, so it is relying on section 21 of FOIA and email addresses have already been provided.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 10 August 2022 to complain about the way their request for information had been handled. They stated that the turnover is not available at Companies House and they have not been provided with the email addresses requested.

## Reasons for decision

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10. Section 21 states that information is exempt from disclosure if it is reasonably accessible to the complainant by other means.
11. The Council applied this exemption to various elements of the complainant's request, advising the complainant that the information is publicly available at Companies House.
12. The Commissioner has reviewed the information available at Companies House and notes that, with the exception of the turnover of each company, the requested information is reasonably accessible to the complainant via this route.
13. With regards to the turnover, the Commissioner has reviewed the latest accounts filed for each company and these either do not provide this information or do not clearly and easily show what the turnover of each was.
14. The Commissioner has therefore concluded that section 21 of FOIA does not apply to this element of the complainant's request, as the information is not reasonable accessible to the complainant by other means.
15. With regards to element six of the request, the refusal notice provided the names of the CEO/MD and Chair but it did not provide email addresses. The internal review issued by the Council stated that the email addresses had already been provided. The complainant disputes this and the Commissioner cannot see when and where this information was disclosed.
16. The Council is therefore required to disclose the turnover of each company to the complainant and either disclose the relevant email addresses or confirm why this information is exempt from disclosure under FOIA.

## 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: 0203 936 8963

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)

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

**Samantha Coward**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**