

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

### **Decision notice**

**Date:** 16 March 2023

**Public Authority:** London Borough of Lewisham  
**Address:** Laurence House  
1 Catford Road  
London  
SE6 4RU

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

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1. The complainant requested information from the London Borough of Lewisham ('the public authority'). The Commissioner's decision is that, on the balance of probabilities, the public authority does not hold any further information within the scope of the request. The Commissioner also finds that the public authority breached section 10(1) of FOIA by failing to provide some of the relevant information it held within 20 working days.
2. The Commissioner does not require the public authority to take any steps.

#### **Request and response**

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3. The complainant submitted a request for information to the public authority on 10 May 2022. Following correspondence between the public authority and the complainant, on 15 June 2022, the complainant agreed to revise the scope of the request as follows:

"Between 2018 and 2022:

- a) The total number of councillor casework enquiries, broken down by directorate and category

- b) the total number of complaints submit by councillors, broken down by directorate and category.
  - c) the total number of comments submit by councillors, broken down by directorate and category.
  - d) the total number of complaints submit by councillors that were
    - not completed
    - completed at stage 1
    - completed at stage 2
    - completed at stage 3
  - e) The total number of casework enquiries submit by each councillor in the period.
  - f) The total number of complaints (stages 1-3) submit by each councillor on the period.”
4. The public authority provided some of the requested information, but where information related to former councillors it withheld their names citing section 40(2) (personal information) of FOIA as its basis for doing so.
  5. During the course of the Commissioner’s investigation, the public authority changed its position and provided a revised response to the complainant, in which it disclosed the information relating to former councillors.
  6. The public authority’s position was that it had now provided all relevant information it held within the scope of the request. However, the complainant believed that further information was held within the scope of part (f) of the request.
  7. Following further searches based on the complainant’s arguments, the public authority identified some additional information within the scope of part (f) of the request. It disclosed this information to the complainant.
  8. The complainant maintained that further information was held within the scope of part (f) of the request.

## Reasons for decision

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### Section 1 – general right of access to information

9. This reasoning will cover whether, on the balance of probabilities, the public authority provided all of the information it held within the scope of part (f) of the request.
10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. The complainant explained to the Commissioner that they were a councillor during the time period covered by the request. They believed that more complaints had been submitted during this time period than that which had been included in the information already disclosed.
12. Under FOIA public authorities must carry out appropriate searches to locate information. This means searching those areas where it is reasonable to expect to find the information. The Commissioner asked the public authority to provide evidence of the searches it carried out, explain why these searches would have been likely to retrieve all relevant information, and invited it to respond to the complainant's arguments.
13. The public authority explained that it carried out searches of its casework system. It told the Commissioner that all complaints received into the Corporate Complaints team are logged on this system and there are no exceptions to this.
14. Initially, the public authority focussed its search to those complaints logged under the 'representative' tab within the system. However, in light of the argument raised by the complainant, it carried out further searches using each councillor's name. Additional information was located and disclosed to the complainant. The public authority explained that the additional complaints it identified had been logged on the system under 'customer' rather than 'representative', which was an administrative error.
15. Following receipt of the additional information, the complainant maintained that the public authority held further information in scope of part (f). They provided details of complaints they believed they had submitted, as evidence that the information provided by the public authority was incomplete.

16. The Commissioner raised this with the public authority. It confirmed that one of the complaints referred to by the complainant was included in the information provided, and the other did not fall within scope of part (f) as the complaint was raised directly by the customer.
17. The Commissioner is satisfied that the searches carried out by the public authority were thorough and would have retrieved all information relevant to part (f) of the request. The Commissioner's decision is that, on the balance of probabilities, the public authority does not hold any further information within the scope of the request.

**Procedural matters**

18. Under section 10(1) of FOIA a public authority must communicate non-exempt information within 20 working days of the request. In this case, the public authority did not provide some of the relevant information it held within 20 working days. It therefore breached section 10(1) of FOIA.

**Right of appeal**

19. 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)

20. 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.
21. 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 .....**

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