

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2023

Public Authority: London Borough of Redbridge
Address: Lynton House
255-259 High Road
Ilford
IG1 1NY

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Redbridge (the public authority). The Commissioner's decision is that the public authority was entitled to refuse to comply with the request in accordance with section 12(1) (cost limit) of FOIA. The Commissioner also finds that the public authority complied with its obligations under section 16 of FOIA to offer advice and assistance.
2. The Commissioner does not require the public authority to take any steps.

Request and response

3. On 30 July 2022, the complainant made the following request for information to the public authority:

"Private rental properties managed by Haart lettings

I am writing to request information under the Freedom of Information Act 2000. Please provide me the relevant information/copies of the following:

(01) Number of complaints made by the private tenants against the landlords whose properties are being managed by Haart lettings within last 5 years?

(02) Action taken against landlords(private) whose properties are being managed by Haart lettings within last 5 years?

(03) Action taken against Haart lettings for managing below standard properties within last 5 years?

(04) Number of complaints received against Haart lettings within last 5 years (complaints other than property disrepair i.e deception/rogue trading/harassment & relevant issues) and details of any action taken against Haart lettings?

(05) Number of complaints/reports made against the landlords/properties who used deception/false declaration for the issuance of property licence in regards to Minimum standards &

Licence conditions within last 5 years?

(06) Action taken against landlords/properties in regards to (05) above within last 5 years?

I would be interested in any information held by your organisation regarding my request. I understand that I do not have to specify particular files or documents and it is the departments responsibility to provide the information I require. If you need further clarification please contact me by email.

I would like the information to be emailed to me in electronic form.

If my request is denied in whole or in part I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees."

4. Some limited "readily accessible" information was provided in response to part of the request. However, the public authority cited section 12 (cost limit) of FOIA as a basis for refusing to provide all of the requested information.
5. In its follow up correspondence of 17 October 2022, the public authority disclosed some additional information/clarification and explained to the complainant that:

"A report was run from our system to identify how many records we hold. Within that data are cases that the current employed staff have recently dealt with and so we were quickly able to identify these; that is what we mean by "readily accessible". The remaining complaints (10, 348) would have to be individually manually reviewed to see if they match any of the criteria as per your enquiry."

6. The public authority further explained that:

"Unfortunately, the data held in our system has limitations in how reports are run. Our system does not have the capability for us to run a report based on the name Haart. Therefore we have to manually interrogate all records in different categories to be able to extract the data requested."

Reasons for decision

Section 12 – cost of compliance

7. This reasoning covers whether the public authority is correct to apply section 12(1) (cost limit) of FOIA to the request.¹
8. The appropriate limit is set in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004². For the public authority in this case, the limit is £450.
9. The Fees Regulations also specify that the cost of complying with a request must be calculated at the rate of £25 per hour, meaning that section 12(1) effectively imposes a time limit of 18 hours for the public authority in this case.
10. The public authority considers that the cost of complying with this request would exceed the appropriate limit under FOIA. In its initial response, it explained that it had calculated that it would take approximately 689.86 hours to collate the requested information.
11. The public authority explained that this had been calculated using an average time of 4 minutes for an officer to investigate each record held.

¹ <https://www.legislation.gov.uk/ukpga/2000/36/section/12>

² <https://www.legislation.gov.uk/uksi/2004/3244/regulation/4/made>

12. The Commissioner is satisfied that the public authority's arguments above are justified because lengthy manual searches would be needed and these would be significantly in excess of the cost limit.
13. A section 12 exemption applies to the whole of an information request and not just part of it. It is noted, in this case, that the public authority did attempt to provide some "readily accessible" information in response to the request. It was under no obligation to do so.
14. The Commissioner's decision is that the public authority was correct to apply section 12(1) of FOIA to the request.

Section 16(1) – The duty to provide advice and assistance

15. Section 16(1) of FOIA provides that a public authority should give advice and assistance to any person making an information request. Section 16(2) clarifies that, providing an authority conforms to the recommendations as to good practice contained within the section 45 code of practice³ in providing advice and assistance, it will have complied with section 16(1).
16. The Commissioner notes that the public authority explained that the request could not be refined, as follows:

"Because of the way data is recorded in our systems it is not possible to provide any advice and guidance on how to bring this below the 18 hour threshold."
17. The Commissioner is therefore satisfied that the public authority met its obligations under section 16 of FOIA.

³ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

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: 0300 1234504

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

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