

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 October 2024

Public Authority: London Borough of Hackney
Address: Town Hall
Mare Street
London
E8 1EA

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Hackney (the Council) relating to letters sent to faith leaders. The Council relied on section 40(2) of FOIA (third party personal information) to withhold the information.
2. The Commissioner's decision is that the Council breached section 16 of FOIA by failing to obtain the correct objective reading of the request.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
 - Contact the complainant to clarify the request
4. The Council must take these steps within 30 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 20 November 2023, the complainant wrote to the Council and requested information in the following terms:

"Hackney Council has written to faith leaders to express its support for them and emphasise that the police and the council will not tolerate

antisemitism and other hate crime. Please provide a list of those to whom the council wrote, along with copies of the letters, and the dates on which these letters were sent.”

6. The Council responded on 7 February 2024. It provided the complainant with a letter that it had sent to faith leaders, but refused to disclose the names of the individuals the letter was sent to under section 40(2). A position that the Council maintained in its internal review.

Reasons for decision

Section 16

7. Section 16 of FOIA places a duty on a public authority to provide “reasonable” advice and assistance to those making and wishing to make information requests. A public authority will have complied with its section 16 duty where it has followed the Code of Practice issued under Section 45 of FOIA.
8. The Code of Practice requires a public authority to seek clarification of requests which are unclear or which are capable of multiple objective readings.
9. The Council explained to the Commissioner that it has regular contact with faith leaders, this contact will be based on a wide range of matters that are important to residents. In regard to this case specifically, it advised that following the Israel/Gaza conflict, it corresponded several times with the relevant leaders over a span of time, but had made a press release detailing one specific instance.
10. The Council explained that it had understood the complainant’s request to be for the letter referred to in its press release. It stated that this was due to the fact the request was received shortly after the press release.
11. The complainant has explained to the Commissioner that there had been an allegation that the Council had written more than one letter to faith leaders. According to the complainant, the Council wrote a letter to a specific group of faith leaders, reinforcing that the Council does not tolerate antisemitism and other hate crimes. However, it received criticism that the initial letter had only been sent to some faith letters, which allegedly resulted in the Council sending out a further letter to all faith leaders.
12. Whilst the Commissioner acknowledges that the complainant’s request was made soon after the press release, the complainant’s request does not specifically mention only wanting the letter referred to in the press

release. The complainant's correspondence indicates they intended their request to cover a broader span of information.

13. Therefore, whilst the Council did use an objective reading of the request, it was not the only objective reading. The Commissioner therefore finds that the Council has breached section 16 of FOIA.
14. The Council must now contact the complainant to obtain clarification about the information they wish to receive. Given what the Council has said, although the original request did not contain any time parameters, it may be helpful if the clarified request did.

Right of appeal

15. 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

16. 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.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Roger Cawthorne
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Information Commissioner's Office
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