

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 January 2013

Public Authority: London Borough of Islington
Address: Town Hall
Upper Street
London
N1 2UD

Decision (including any steps ordered)

1. The complainant has requested information regarding same sex adoption. The Commissioner's decision is that the London Borough of Islington (the council) has supplied the complainant with all of the requested information. The information was not provided within 20 working days, and the council has therefore breached section 10 of the FOIA.
2. The Commissioner does not require the council to take any steps.

Request and response

3. On 27 June 2012, the complainant wrote to the council and requested information in the following terms:
 - "1. What was the first year in which the Islington LA agreed the adoption of a child by a same sex couple?"*
 - "2. Since that date and including the first such example, how many such adoptions have been agreed by the Islington LA to date?"*
 - "3. Of these, how many adoptions have been agreed to male same sex couples?"*
 - "4. Of these, how many of the adopted children were girls?"*
 - "5. Of the total number of adoptions to male couples stated in response*

to Q3, in how many cases have the adoptions been deemed to have failed according to your criteria?

6. Of the number given in answer to Q2, how many adoptions have been agreed to female same sex couples?

7. Of these, how many of the adopted children were boys?

8. Of the total number of adoptions to female couples stated in response to Q6, in how many cases have the adoptions been deemed to have failed according to your criteria?

Finally, please inform me of your policy and criteria with respect to what happens to the adopted children in cases of adoptions where the adopting couple subsequently splits up. Please make clear any difference in this policy between homosexual and heterosexual adopting couples. I only wish to know the basic principles. I assume that if a new partner replaces one of the original applicants for the adoption then there is some sort of vetting process. Is this correct? How does this process differ between heterosexual and homosexual couples (if at all)?"

4. The council responded on 20 July 2012. It provided information in response to question 8 and the final part of the request. The council refused to provide the remaining information stating that the data had been suppressed due to the small numbers involved.
5. Following an internal review the council wrote to the complainant on 17 August 2012. It provided the complainant with the electronic information the council held in relation to questions 1, 2 and 5. It also clarified that it was withholding information in response to the remaining questions under section 40(2) as individuals could be identified.

Scope of the case

6. The complainant contacted the Commissioner on 20 August 2012 to complain about the way his request for information had been handled. During the course of the Commissioner's investigation the council provided the complainant with the remaining information. This satisfied the complainant's request, however, he asked the Commissioner to issue a decision notice to address the delay in obtaining the information he had requested. Therefore, this decision notice concerns the council's late response which was in breach of section 10 of the FOIA.

Reasons for decision

7. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information, and if so, disclose it to the applicant.
8. The request was submitted on 27 June 2012, and the complainant did not receive all the requested information until 21 December 2012. The Commissioner finds that the council has breached section 10(1) of the FOIA, by failing to provide the requested information within 20 working days.

Right of appeal

9. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. 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

Andrew White
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