

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2016

Public Authority: London Borough of Waltham Forest

Address: Waltham Forest Town Hall

Forest Road

London

E17 4JF

Decision (including any steps ordered)

1. The complainant has requested from London Borough of Waltham Forest (the 'Council') information relating to penalty charge notices ('PCNs') and details of a particular CCTV camera.
2. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA as it failed to respond to the requests within the statutory timeframe of 20 working days.
3. The Commissioner does not require the Council to take any steps.

Request and response

Request 1

4. On 11 December 2015 the complainant wrote to the Council and requested information in the following terms:

"I require the Traffic Survey that was carried out prior to the painting of the YBJ, the site drawings for the YBJ, as well as the date the YBJ was first painted and the dimensions of the YBJ.

Please also supply me with all the information regarding any alterations of the YBJ since its introduction, as well as the date of the most recent inspection for the YBJ and a copy of the inspection report, including any recommendations for repainting the YBJ.

Finally, I would also like to know how many PCNs have been issued and how much money has been collected in penalty charges for contraventions relating to this YBJ.

Please supply me with the information as and when you obtain it, rather than waiting until you have collated all the information. I am happy to make separate FOI requests if necessary."

Request 2

5. On 12 December 2015 the complainant wrote to the Council and requested information in the following terms:

"I require the following information, in relation to the CCTV Camera entitled "C1010 Kings Rd - Station":

When was it installed?

For what purpose was it installed?

What model is it?

How long does it spend overlooking the yellow box junction?

How many hours per day is this particular camera used for manual traffic enforcement, i.e. how many hours per day is someone manually operating this camera to obtain the licence plate of cars, in order to issue Penalty Charge Notices?

Where in the immediate vicinity are the signs located that indicate CCTV is in use for the enforcement of traffic regulations?

What is the location of the sign nearest the CCTV camera that indicates that CCTV is in use for the enforcement of traffic regulations?

What is the title of the CCTV training course that was completed by the specific operator who was operating this camera at 17.57 on 1/12/15?

Was this operator supervised or unsupervised at the above mentioned time?

If yes, what is the title of the CCTV training course that was completed by that supervisor?

Finally, I understand that statistical and other relevant information, including any complaints made, are included in the Review of Waltham Forest Council's CCTV scheme and will be made publicly available on request. I request a copy of this statistical and other relevant information, including complaints."

Request 3

6. On 18 December 2015 the complainant wrote to the Council and requested information in the following terms:

*"CCTV Camera entitled "C1010 Kings Rd - Station"
Please confirm that a Privacy Impact Assessment was undertaken, prior to the installation of the above mentioned CCTV camera.*

If a Privacy Impact Assessment was undertaken, please supply me with a copy.

If no Privacy Impact Assessment was undertaken, please supply me with a copy of any equivalent paperwork/assessment that was completed prior to the installation of this camera."

7. On 21 January 2016 the Council wrote to the complainant and stated that the responses to the requests had been submitted to him on 16 and 17 December 2015.
8. On 1 February 2016 the complainant wrote to the Council and complained that he had not received the responses that the Council said were sent over a month ago.
9. On 5 and 12 February 2016 the complainant contacted the ICO to complain about the Council's handling of his requests for information.
10. On 15 February 2016 the complainant received the Council's response to request 3. The complainant argued that requests 1 and 2 had been partially answered and that some information remained overdue.
11. On 16 February 2016 the Council wrote to the complainant with an explanation to its handling of his requests. It confirmed that the responses to requests 1 and 2 had been sent to the complainant on 2 and 3 February 2016.
12. On 19 February 2016 the complainant wrote to the Council and asked it to chase the responses to what he considered to be outstanding to request 1 and 2.

13. On 22 February 2016 the Council informed the complainant that it had initiated a review request.
14. On the same day the complainant asked the Council when he should expect to receive the responses.
15. On 23 February 2016 the Council replied and stated that this could take up to 20 working days.
16. The complainant replied on the same day and he pointed out to the Council that he had specifically asked it to chase the response to the two outstanding FOI requests – 1 and 2. He argued that he did not ask the Council to conduct a review.
17. On 24 February 2016 the complainant wrote to the Council and provided a summary of the correspondence between him and the Council relating to his requests. He again expressed his dissatisfaction of its handling of his requests for information.

Scope of the case

18. The complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular, about the time it had taken for the Council to respond to his requests and that it took longer than the statutory 20 working days.
19. The Commissioner will consider the time it had taken for the Council to respond to the requests and whether the Council has breached section 10(1) of the FOIA.

Reasons for decision

20. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.

Section 10 – time for compliance

21. Section 10(1) of the FOIA states a public authority must comply with section 1(1) within 20 working days of receipt of the request.
22. In this case it is clear that the Council did not provide the complainant with all of the requested information within the statutory timeframe of

20 working days. The complainant had submitted his requests for information on 11, 12 and 18 December 2015.

23. The Council stated that it disclosed the information that it held on 2, 3 and 15 February 2016.
24. From the correspondence received from the complainant, there appears to be conflicting dates with the Council regarding when requests 1 and 2 were responded to. The complainant was therefore asked to provide the dates of which the responses to these requests were received and he informed the Commissioner that he did not receive the responses to these two requests until 1 March 2016.
25. The Commissioner notes that the Council originally incorrectly advised the complainant that the responses to requests 1 and 2 had been submitted on 16 and 17 December 2015.
26. However, when the Council reviewed its handling of the request, it explained to the complainant that following a re-check with its Achieve Digital team, the responses to his requests 1 and 2 had been issued to him on 2 and 3 February 2016 respectively.
27. The Council explained to the complainant that the Achieve Digital team had stated that there had been a problem with the Achieve system (FOI and complaints online portal). Therefore, this technical issue had resulted in it not being able to view the request and the responses had to be conducted outside the system. The Council said that this issue was passed to another team to resolve. However, the parking section had supplied the Council with the incorrect dates.
28. The Council further explained that at present, the Achieve system does not allow the Business Hub team to confirm when the FOI requests and responses were submitted. The Council stated that it had contacted the relevant department on the 22 and 28 January 2016 informing it that the complainant had not received responses to his requests for information.
29. The Council informed the complainant that there have been several issues raised with its new Achieve system and that these are being inspected. The Council assured the complainant that it is focused on resolving the system issues.
30. The Council apologised to the complainant for the delay in responding to the requests. The Council accepted that it should have read through the complainant's enquiries thoroughly and responded to all of his points. The Council upheld his complaint, apologised for any errors and said that in dealing with requests, work will be closely monitored.

The Commissioner's position

31. The Commissioner notes that in correspondence with the complainant, the Council had explained the reasons for the delay in providing the requested information.
32. Due to conflicting dates stated by both parties as to when the response to requests 1 and 2 was sent, the Council was asked during the investigation to confirm the dates in which the responses were sent to the complainant.
33. The Council said that the response to request 1 was sent with the incorrect date but that the complainant confirmed receipt of this on 12 February 2016. Regarding request 2, the Council confirmed that the response was sent on 3 February 2016.
34. The complainant argued that the responses to request 1 and 2 were not provided by the Council until 1 March 2016.
35. Although these dates for the responses differ, this does not alter the fact that the Council's response to the requests fell outside the statutory timeframe of 20 days.
36. The Commissioner's decision is that the Council did not handle the request for information in accordance with the FOIA. The Council has breached section 10(1) of the FOIA by failing to provide a substantive response to the requests within the statutory timeframe of 20 working days.

Other matters

37. The Commissioner recognises that the Council has accepted its mistakes made in handling the requests and it has indicated the steps it proposes to take to improve its request handling. The Commissioner welcomes this approach and he expects that in future, the Council's responses will be compliant with the requirements of the legislation.

Right of appeal

38. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

39. 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.
40. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF