

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 February 2017

Public Authority: Transport for London
Address: Windsor House
42-50 Victoria Street
London SW1H 0TL

Decision (including any steps ordered)

1. In two separate requests to Transport for London (TfL), the complainant has requested information concerning access to particular of TfL's sites. At the date of this notice, TfL has not responded to the two requests.
2. The Commissioner's decision is that TfL has breached section 10(1) of the FOIA because it has not responded to the complainant's requests within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - TfL must provide the complainant with a response to his request of 21 October 2016 and his request of 24 October 2016 in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 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

Request 1

5. On 21 October 2016, the complainant wrote to TfL and requested information in the following terms:

"Under the Freedom of Information Act and in compliance with the obligations in the Practice Direction: Pre-action Protocol, please provide:

". Your policies and procedures regarding planning for alternative provision of step-free access where lifts are out of action

". Your policies and procedures for ensuring accurate provision and publication of information and instructions for people requiring step-free access where the usual access is not available due to maintenance

". All incident and other records that document why the planned alternative lift access via Canon Row was shut, and what actions and communications had been undertaken as a result of the difficulties this would cause for disabled people

". All related documentation (including emails) in relation to this issue."

Request 2

6. On 24 October 2016, the complainant submitted a second request to TfL. Given its length, it is reproduced in an annex to this notice.

Scope of the case

7. The complainant contacted the Commissioner on 21 December 2016 to complain about the way his requests for information had been handled.
8. The Commissioner wrote to TfL about the two requests on 7 January 2017 and asked it to provide responses within 10 working days. TfL acknowledged this correspondence. However, as far as the Commissioner is aware, TfL has not provided the complainant with a response to either request.
9. The Commissioner's investigation has therefore focussed on whether TfL has complied with its obligation under section 10(1) of the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled to be told (a) whether the authority holds the information and (b), if it does, to have the information communicated to him or her.
11. Section 10(1) of the FOIA says that a public authority must comply with section 1(1) as soon as possible and within 20 working days.
12. In these cases, the complainant submitted one request on 21 October 2016 and the second request on 24 October 2016 but has not received a response to either. The Commissioner finds that TfL has breached section 10(1) of the FOIA with regard to both of these requests.

Right of appeal

13. 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

14. 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.
15. 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

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

ANNEX

"1) Since what date has the lift at the main entrance onto Queens Walk been out of commission for renovation? When is its anticipated return to service?

2) How long has the fireman's lift into Canon Row been locked out of its intended use to provide alternative step-free access to the station? That is: when was it taken out of use for people requiring step-free access? Is it back in use now? If so, when was it put back into use?

3) Please provide the incident and service list for the fireman's lift for the period that the lift at the main entrance onto Queens Walk has been out of use for renovation.

4) It is my understanding that the fireman's lift is required to be available for use at all times when the station is in operation, for the purposes of the emergency evacuation plan for the station. Please confirm the regulations stating this, the requirements they make, their status and their applicability.

5) Please provide all logs, communications and other documentation that document and explain why the fireman's lift has been out of use for the provision of step-free access throughout this last week or longer.

6) Anecdotal evidence is that the fireman's lift was taken out of routine use for step-free access whilst other lifts in the station are serviced as this increased use was resulting in downtime of the fireman's lift for breakdowns and repairs. As the fire evacuation plan requires this lift to be available for use at all times whilst the station is open, a decision was taken to stop routine use of the fireman's lift as an alternative step-free route whilst other lifts are being serviced in order to ensure the lift does not break down and is thus available for emergency evacuation if required, thus preventing the station from being closed under the fire risk and evacuation plan.

Please provide any and all records and communications that prove or disprove this anecdotal explanation for the closure of the fireman's lift.

7) Your website and the signage at the station indicate that the planned access for people requiring step-free access to the station during the period when the lift at the Queens Walk entrance is out of use for servicing is to use the Canon Row fireman's lift. The closure of the Canon Row lift therefore has a profound impact on step-free access to the station, particularly for those not familiar with the layout of the station.

Please indicate what measures TFL planned to mitigate the effect of the closure of the fireman's lift on disabled people's access. Please show all records of communications and communications strategies with staff at the station informing them of the closure of the fireman's lift for regular step-free access and of the contingency and mitigation actions required to ensure

access for disabled people was as uninterfered with as possible during the closure.

8) Please provide a copy of all records of the decision making process showing effective understanding and mitigation of the effects of the closure of the fireman's lift on people requiring step-free access, also all plans to ensure that disabled people wishing to enter the station at the main entrance or to exit the station from the platforms are informed that the fireman's lift is also out of use and how to obtain level access or egress in these circumstances.

9) Please provide the equality impact assessment and all other documentation you will have produced as a result of your obligations under the Public Sector Equality Duty in the Equality Act 2010, in respect of the impact that the closure of this fireman's lift has on people with the protected characteristic of disability.

In respect of all the above, please provide all specifically relevant documentation, logs, communications, plans and other records that contain the information requested. I am not interested in high-level TFL or London Underground policy that is general and not specific to this station. I'm after the specific mitigation plans for closure of the Queens Row lift at the main entrance and the fireman's lift, instructions to staff on such, the reliability record of the fireman's lift, the specifics of the evacuation plan for the station that state whether or not that lift had to remain functional for the station to remain open, and the records and communications showing who made the decision to prevent the use of that lift for alternative step-free access whilst other lifts are being serviced, when they made that decision, why, how it was communicated and how the impact on disabled people was supposed to be mitigated.

Please provide all specific documentation that provides information on this specific."