

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 July 2018

Public Authority: London Borough of Bromley
Address: Bromley Civic Centre
Stockwell Close
Bromley
Kent
BR1 3UH

Decision (including any steps ordered)

1. The complainant requested information about the Adult Social Care Precept.
2. The Commissioner's decision is that the London Borough of Bromley ("the London Borough") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. As a response has now been issued, the Commissioner does not require the London Borough to take any further steps.

Request and response

4. On 4 February 2018, the complainant wrote to the London Borough and asked ten detailed questions about the way the London Borough collected and utilised its Adult Social Care Precept. As the request was lengthy and the Commissioner is of the view that all parties are aware of its contents, she considers that it would serve no useful purpose to reproduce it here.
5. The London Borough did not provide a response until 18 July 2018.

Scope of the case

6. The complainant originally contacted the Commissioner on 2 July 2018 to complain about the failure, by the London Borough, to respond to the request.
7. In line with her usual practice, the Commissioner contacted the London Borough on 6 July 2018 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days. The London Borough did not respond to the Commissioner, but it evidently did issue a response to the request.
8. The complainant contacted the Commissioner on 20 July 2018 to request a decision notice recording the late response.
9. The scope of this DN and the following analysis is to consider whether the London Borough has complied with section 10 of the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

11. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

13. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough has breached section 10 of the FOIA.

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.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.

Signed

Ben Tomes
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF