

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 June 2024

Public Authority: Greater London Authority
Address: City Hall
London
SE1 2AA

Decision (including any steps ordered)

1. The complainant has requested information about specific correspondence between the Mayor of London and the Leader of the Labour Party.
2. Greater London Authority ("GLA") advised the complainant that it did not hold any information in scope of the request.
3. The Commissioner's decision is as follows:
 - On the balance of probabilities, the GLA holds no recorded information relevant to the complainant's request and has complied with section 1(1) of FOIA.
 - GLA breached section 10(1) of FOIA by failing to issue a response within 20 working days of the request.
4. The Commissioner does not require the GLA to take any further steps.

Request and response

5. On 2 November 2023, the complainant wrote to the GLA and requested information in the following terms:

"I would like to request the following information via the Freedom of Information Act and the Environmental Information Regulations, and I would be grateful if you could forward this request onto the most appropriate person within the organisation.

Please note that the reference to correspondence and communications in the questions below should include all traditional forms of correspondence and communication such as letters, faxes, and memos, all emails irrespective of whether they were sent and or received through private and or public accounts, all telephone text messages, all G mail messages all messages sent through encrypted messaging services including but not limited to WhatsApp.

Please note that I am interested in receiving actual copies of correspondence and communication rather than just excerpts from that correspondence and communication. Copies of letters should include the letter head, all other design features and the signatures. Similarly all faxes and telegrams and cables should be copied and disclosed as received. If you feel the need to redact material from any correspondence and communication, can you redact the material where it appears. That way I will be able to judge the extent and location of any redaction.

Please note that I am only interested in the direct communications of the two individuals named in the request. Please do not provide the communications of anyone acting on their behalf.

Please redact the names and personal details of all GLA employees and members of the public from the documents provided.

Please note that I am only interested in information generated between 6 October 2023 and the present day.

1...During the aforementioned period did Sadiq Khan the Mayor of London write to and or communicate with Sir Keir Starmer, the Leader of the Labour party. Please note that I am only interested in that correspondence and communications which mentions and or in any way relates to any and or all of the following. If the answer is yes can you please provide copies of that correspondence and communication.

(a)...Israel

(b)...Gaza

(c)...Hamis and or the Hamis attack on communities in Southern Israel on 7 October 2023.

(d)...The Israeli government's response to the Hamis attacks of 7 October 2023 including but not limited to its military response.

(e)...Israeli bombing and Israeli attacks on Gaza.

(f)...The victims of Israeli military strikes on Gaza.

(g)...Calls for a ceasefire in the ongoing conflict between Israel and Hamas including but not limited to the Mayor's support for a Ceasefire.

(h)...The response of the Muslim community in the UK to the events in Israel and Gaza.

(i)...The response of the Jewish community in the UK to the events in Israel and Gaza.

(j)...The safety of the Muslim community in the UK.

(k)...The safety of the Jewish community in the UK.

(l)...The Labour party's stance on the conflict between Israel and Gaza.

(m)...The Mayor's stance on the conflict between Israel and Gaza.

2...During the aforementioned period did Sir Keir Starmer write to and or communicate with the Mayor. Please note that I am only interested in that correspondence and communications which mentions and or in any way relates to any and or all of the topics listed in question one. If the answer is yes can you please provide copies of that correspondence and communication."

5. GLA responded on 18 December 2023, stating that no information was held in scope of the request.
6. The complainant made a request for an internal review on 18 December 2023.
7. GLA provided an internal review on 25 January 2024 acknowledging that it had breached section 10 of FOIA and upholding its original position that the information was not held.

Scope of the case

6. The complainant contacted the Commissioner on 13 February 2024 to complain about the way their request for information had been handled. The complainant was unhappy with the delay in receiving a response to their request and disputed the GLA's assertion that it does not hold any requested information relevant to the request.
7. The scope of the case is for the Commissioner to consider whether, on the balance of probabilities, the GLA holds information within scope of

the complainant's request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

8. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
9. In response to the Commissioner's investigation questions, the GLA has advised the Commissioner of the searches it has conducted and that the searches have not identified any relevant information.
10. The Commissioner is satisfied that thorough and adequate searches were conducted by the GLA to determine whether recorded information within scope of the request was held or not held. The Commissioner sees no reason to doubt the GLA's explanation that no information is held in scope of the request.
11. Other than state their view that they do not accept that the GLA does not hold the information, the complainant has not provided any evidence or reasoning that would indicate that the GLA does hold information in scope of the request.
12. Having considered all the circumstances, on the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the GLA and, therefore, it cannot be provided.
13. As such, the Commissioner has decided that the GLA has complied with section 1(1) of FOIA.

Procedural matters

Section 10: time for compliance

14. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority, it must be disclosed to the complainant unless a valid refusal notice has been issued.

15. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
16. In this case the Commissioner has concluded that the GLA breached section 10(1) of FOIA as it did not provide the complainant with a response within the statutory deadline.

Right of appeal

17. 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

18. 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.
19. 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

Michael Lea
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