

Environmental Information Regulations 2004 (EIR)

Decision notice

Date: 13 November 2024

Public Authority: London Borough of Hackney
Address: Town Hall
Mare Street
London
E8 1EA

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Hackney (the council). By the date of this notice the council had not issued a substantive response to this request.
2. The Commissioner's decision is that the council has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the council to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the EIR.¹

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

4. The council must take these steps within 30 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 Freedom of Information Act 2000 and may be dealt with as a contempt of court.

Request and response

5. On 8 August 2024, the complainant made the following request for information to the public authority:

“...We therefore request pursuant to the EIR, the following information held by or on behalf of the London Borough of Hackney (LBH):

 - a. a copy of the instructions and full set of briefing material (including any plans or technical documents) issued to the Consultants by LBH (whether that be contained within one or multiple documents);
 - b. copies of minutes of any meetings between LBH and the Consultants in connection the [sic] Advice;
 - c. copies of any material correspondence between LBH and the Consultants in connection with the Advice; and
 - d. any matters of clarification or expressions of caution sought or made by the Consultants to LBH in connection with the Advice.”
6. To date, the complainant has not received a substantive response to their request for information.

Reasons for decision

7. Regulation 5(1) of the EIR states that:

“a public authority that holds environmental information shall make it available on request.”
8. Regulation 5(2) of the EIR states that:

“Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.”

9. The Commissioner contacted the council on 29 October 2024 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the council has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the council did not deal with the request for information in accordance with the EIR. The Commissioner's decision is that the council has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

Right of appeal

11. 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

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Daniel Kennedy
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF