

**FREEDOM OF INFORMATION ACT 2000 (SECTION 52)
ENFORCEMENT POWERS OF THE INFORMATION COMMISSIONER
ENFORCEMENT NOTICE**

DATED: 7 October 2025

To: London Borough of Enfield

**Of: Civic Centre
Silver Street
Enfield
EN1 3XA**

1. The London Borough of Enfield ("**the Council**") is a "public authority" listed in Schedule 1 and defined by section 3(1)(a)(i) of the Freedom of Information Act 2000 ("**FOIA**"). FOIA provides public access to information held by public authorities.
2. The Council's obligations as a public authority under FOIA include –
 - a. Being obliged to publish certain information about its activities;
 - b. Responding to requests for information from members of the public.
3. The Information Commissioner (the "**Commissioner**") hereby issues the Council with an Enforcement Notice (the "**Notice**") under section 52 FOIA. The Notice is in relation to Council's:
 - a. Continuing non-compliance with section 1(1) FOIA;
 - b. Continuing breach of section 10(1) FOIA.

4. This Notice explains the Commissioner's decision to take enforcement action. The specific steps that the Council is required to take are set out in Annex 1.
5. Whilst the steps set out in Annex 1 relate to FOI requests already received by the Council, in complying with these steps the Commissioner expects the Council to ensure that subsequent FOI requests it receives are responded to in line with its obligations under that legislation. The Commissioner also expects the Council to ensure that it continues to meet its obligations to comply with subject access requests under the UK GDPR whilst actioning the steps in Annex 1.

Legal Framework for this Notice

6. A person requesting information from a public authority has a right, subject to exemptions, to be informed by the public authority in writing whether it holds the information, and to have that communicated to him, if the public authority holds it. This is set out in section 1(1) FOIA–

"(1) 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."

7. Section 10(1) FOIA specifies that public authorities must respond to requests within 20 working days:

"... a public authority must comply with section 1(1) promptly and in

any event not later than the twentieth working day following receipt.”

8. There is provision under FOIA for a public authority to claim a reasonable extension to this limit in certain circumstances but in all cases, the public authority must give the requestor a written response within the standard time limit for compliance.¹

9. The Commissioner has various powers under FOIA. One of these is the issuing of an Enforcement Notice. Section 52(1) of FOIA states –

“If the Commissioner is satisfied that a public authority has failed to comply with any of the requirements of Part I, the Commissioner may serve the authority with a notice (in this Act referred to as an “enforcement notice”) requiring the authority to take within such time as may be specified in the notice, such steps as may be so specified for complying with those requirements.”

10. Section 52 FOIA has effect subject to section 53 FOIA, which provides details of the exceptions from the duty to comply with a decision notice or enforcement notice.

Background

11. The Commissioner contacted the Council on 6 May 2025 in light of concerns generated from recent section 50 complaints about its compliance with FOIA, including its failure to comply with an

¹ This provision is set out in section 17(3) of FOIA.

Information Notice² and its failure to comply with a Decision Notice.³

The Commissioner noted that the Council had recently informed him that issues of understaffing in the FOI team were causing delays in it being able to process requests, and respond to complaints submitted to the Commissioner, in a timely manner. The Commissioner explained that he wished to have a discussion with the Council so that he could better understand the challenges it was facing.

12. The Commissioner subsequently shared with the Council, on 17 June 2025, prior to a meeting with it, details of complaints received by him since 1 January 2025 concerning delayed responses to requests, which at that point numbered 13.

13. In the meeting held the following day the Council acknowledged that a backlog of requests had built up since February 2025 following resourcing challenges. However, the Council explained that a number of personnel changes had been made since and an action plan was being implemented to address FOI performance issues and to ensure that there were robust mechanisms going forward.

14. The action plan, subsequently shared with the Commissioner, included more effective triaging of new requests, the recruitment of additional staff including experienced FOI staff, and weekly reporting/monitoring of progress at a senior level.

15. The Commissioner asked the Council to provide him with monthly statistical returns so that he could understand the progress being made, including confirmation of its latest timeliness compliance figure

² This was issued as part of the Commissioner's investigation of case IC-339647-N5R1 <https://ico.org.uk/media2/qx3pzjnw/information-notice-ic-339647-n5r1.pdf>

³ This was issued following the Commissioner's investigation of case IC-360360-G3Q6 <https://ico.org.uk/media2/ts1baijz/ic-360360-g3q6.pdf>

for answering FOI requests.

16. In response, the Council provided the Commissioner with the first of approximately weekly statistical returns on 7 July 2025 setting out details of its FOI requests in its case management system. The figures were as follows:

| Status/timeframe of request | Number of FOIs |
|--|-----------------------|
| Triage stage (to be allocated), oldest date March 2025 | 172 |
| In progress up to 1 month | 107 |
| In progress over 1 month | 67 |
| In progress over 3 months | 66 |
| In progress over 6 months | 36 |
| In progress over 9 months | 9 |
| In progress over 12 months | 0 |
| Total | 457 |

17. In addition to the above figures above, the Council also explained that it had 327 emails in relation to FOI in its shared inbox, some of which contained FOI requests, some of which were follow ups to FOI responses, and some of which were responses completed by services which could be issued to requesters. The Council also confirmed that for the last quarter 70% of requests were responded to 'on time' (ie within 20 working days or within any permitted public interest extension).

18. The data from the Council's further statistical returns is set out in Annex 2 at the end of this notice.

The Contravention and Reasons for this Notice

19. The Commissioner recognises that the action plan provided to him by the Council covers the key areas and issues which he would expect public authorities to focus on when FOI performance is unsatisfactory, namely more effective triage, additional resources and regular chasing/monitoring of overdue requests. The Commissioner also recognises through his engagement with the Council that the staff leading FOI performance are committed to, and focused on, driving this change.

20. However, the Commissioner notes that the Council's return of 23 September 2025 reflects no real progress in respect of the volume of overdue requests which are 3, 6 and 9 months old since the return of 11 July 2025. The figures for these categories on 11 July being 43, 23 and 6 respectively and for 23 September 35, 32 and 6 respectively.

21. Furthermore, in the Commissioner's view it is important to recognise that the figures in the categories of requests 'up to 1 month old' and up to and including any requests in the category 'over 12 months old', do not include the requests at triage stage, ie requests yet to be allocated. Whilst the returns from 28 August 2025 confirm that this figure only dates back to August 2025 (as opposed to March 2025 during the earlier returns) the volume of requests still needing to be triaged in return of 23 September 2025 (169) is considerable, and generally reflects an upward trend from the August returns.

22. In addition the Commissioner notes that there is still a significant number of "untriaged emails" in the FOI inbox which may include FOI requests. Whilst this figure was 327 in the return of 7 July 2025, this was 223 in the return of 11 July 2025 and was still 226 in the return of 23 September 2025.

23. As result of the above two categories of requests / emails, the Commissioner notes that it is not possible from the data provided to establish a completely accurate picture of the number of overdue requests.
24. The Commissioner appreciates that dealing with this backlog of requests, alongside new requests, internal reviews and ongoing section 50 complaints to the Commissioner, is challenging. However, the Commissioner is disappointed that in addition to the non-compliance issues referred to at paragraph 11 above the Council also failed to comply with the subsequent Decision Notice issued on IC-339647-N5R1 in time, ie the same case on which it had failed to previously comply with an Information Notice on time.⁴
25. Furthermore, in addition to the 13 cases referred to above at paragraph 13, since 17 June 2025 and the date of this Notice the Commissioner has received a further 14 complaints regarding delays in the Council's handling of requests.
26. Taking the above factors into account, the Commissioner considers it a proportionate regulatory step to issue this Notice. This is because although the Council has an action plan in place and is taking steps to address its backlog of requests, the Commissioner is concerned with the lack of progress in ensuring that an acceptable level of performance is reached.
27. This Notice requires the Council to comply with section 1(1) of FOIA in respect of each FOI request, where the response is outside of 20 working days at the date of this Notice, and where a permitted

⁴ The decision notice was issued on 2 July 2025 and therefore had to be complied with by 1 August 2025. However, the Council only complied with this – in part – on 11 September 2025 – submitting an appeal at that stage to the First-tier Information Tribunal in relation to the information it had redacted from the disclosure.

extension has not been applied.

28. For the avoidance of doubt, this does not simply include the requests already categorised as 1 month old (or older, ie up to and including any over 12 months old). Rather, the Council must also ensure that it has identified – and then answered – any overdue requests which fall within the category ‘triage stage’ and any overdue requests contained in the FOI untriaged inbox. This is to ensure that all overdue requests at the point that this Notice is being issued are captured by the actions required by this Notice, not just the requests which the Council has already triaged and then categorised by age of receipt.

Other Matters

29. The Commissioner wishes to highlight his concerns about the Council’s approach to a request which was the subject of complaint about delay.⁵ In that case the request was submitted on 1 April 2025. Having received no reply the requester contacted the Council on 21 and 28 May 2025 to chase the outstanding response. The Council contacted the requester on 7 July 2025, apologising for the delay by explaining that it was experiencing a high volume of requests, and asked the requester to confirm, within 20 working days, whether he still wished to pursue the request and that if he did not respond within timeframe it would assume the information was no longer required and the request would be closed.

30. Given that the requester in this case had already chased the Council twice for a response to his outstanding request, allied to the fact that there is nothing in that request which would suggest it was time sensitive, the Commissioner does not consider this to have been an

⁵ This resulted in this decision notice being issued
<https://ico.org.uk/media2/yevdqgle/ic-391929-t4p8.pdf>

appropriate approach for the Council to take as it should have been clear that the requester still wished to pursue the request. By stating that it would take no further action for up to potentially another 20 working days from 7 July 2025 – depending on the time frame in which the requester replied – this further delayed it progressing a request which it had received on 1 April 2025, and which the requester had previously chased up twice.

Terms of this Notice

31. The Commissioner therefore exercises his powers under section 52 of FOIA to serve an Enforcement Notice requiring the Council to take specified steps to comply with FOIA. The specified steps are set out in **Annex 1** of this Notice.

32. The consequence of failing to comply with an Enforcement Notice is that the Commissioner may make written certification of this fact to the High Court pursuant to section 54 of FOIA. Upon consideration and inquiry by the High Court, the Council may be dealt with as if it had committed a contempt of court.

Right of Appeal

33. By virtue of section 57 of FOIA there is a right of appeal against this Notice to the First-tier Tribunal (Information Rights). If an appeal is brought against this Notice, it need not be complied with pending determination or withdrawal of that appeal.

34. Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963

Email: GRC@justice.gov.uk

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

35. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Enforcement Notice is sent.

**Phillip Angell
Head of FOI and Transparency
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Annex 1

TERMS OF THE ENFORCEMENT NOTICE

THIS NOTICE REQUIRES THE COUNCIL TO TAKE THE FOLLOWING STEPS BY THE DATES SPECIFIED BELOW:

WITHIN 3 MONTHS OF THE DATE OF THIS NOTICE THE COUNCIL SHALL:

- (i) Review all emails in the FOI inbox and log any FOI requests contained within these emails on its case management system, including the date of receipt.
- (ii) Log all the requests currently at the triage stage by date of receipt on its case management system.

WITHIN 6 MONTHS OF THE DATE OF THIS NOTICE THE COUNCIL SHALL:

- (iii) In respect of each information request where the response is outside of 20 working days as at the date of this notice, and where a permitted extension has not been applied, to comply with section 1(1)(a) of FOIA and, if information of the description specified in the request is held, either
- (iv) communicate it pursuant to section 1(1)(b) FOIA; or issue a valid refusal notice under section 17 FOIA, unless section 17(6) FOIA applies.

Annex 2

| Date of return | 11 July 2025 | 18 July 2025 | 25 July 2025 | 1 August 2025 | 8 August 2025 | 15 August 2025 | 22 August 2025 | 28 August 2025 | 7 September 2025 | 17 September 2025 | 23 September 2025 |
|--|---------------------|---------------------|---------------------|----------------------|----------------------|-----------------------|-----------------------|-----------------------|-------------------------|--------------------------|--------------------------|
| Triage stage (requests to be allocated), oldest date March 2025 ⁶ | 186 | 142 | 108 | 102 | 122 | 126 | 145 | 154 | 172 | 166 | 169 |
| Requests in progress up to 1 month old | 107 | 66 | 49 | 46 | 39 | 116 | 152 | 168 | 157 | 146 | 114 |
| Requests in progress over 1 month old | 44 | 77 | 88 | 88 | 95 | 82 | 131 | 130 | 141 | 171 | 207 |
| Requests in progress over 3 months old | 43 | 82 | 76 | 124 | 38 | 36 | 58 | 51 | 38 | 34 | 35 |
| Requests in progress over 6 months old | 23 | 47 | 56 | 23 | 24 | 12 | 22 | 21 | 28 | 33 | 32 |
| Requests in progress over 9 months old | 6 | 1 | 9 | 16 | 9 | 3 | 6 | 6 | 7 | 6 | 6 |
| Requests in progress over 12 months old | 0 | 0 | 1 | 2 | 2 | 2 | 0 | 0 | 0 | 1 | 1 |
| Total | 409 | 415 | 387 | 401 | 329 | 377 | 514 | 530 | 543 | 557 | 563 |
| Untriaged emails in inbox ⁷ | 223 | 273 | 279 | 299 | 207 | 251 | 224 | 222 | 199 | 225 | 226 |

⁶ For the returns of 28 August onwards the Council reported that the oldest date had moved from March to August.

⁷ As explained in the Enforcement Notice the emails in this inbox consist of FOI requests, follow ups, and FOI responses completed by services within the Council but not yet issued.