

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 10 January 2024

Public Authority: London Borough of Islington
Address: Islington Town Hall
Upper Street
London
N1 2UD

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-324644-T8R3, for a decision whether a request for information made by the complainant to the London Borough of Islington on 25 June 2024, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 25 June 2024, the complainant made the following request for information.

"Following two recent unsuccessful applications for counting assistant task associated with recent elections, as coordinated by Islington Council, I am submitting this Freedom of Information request to ascertain the following information. As a proportion of Islington Council's workforce and the borough more widely, in keeping with Islington's ethos of reflective representation:

1. What proportion of the applications that you have received to work at the two most recent elections were from Afro-Caribbean males, both those who identify as British Afro-Caribbean or otherwise.
 2. How does this compare to applications from males from other ethnic groups both as a proportion of the work force and as a reflection of the Islington community more widely.
 3. How many of the applications from Afro-Caribbean males, to under task associated with the aforementioned elections, were successful.
 4. In respect of Q3, was this reflective of the make up of the Islington Council workforce and the Islington community more widely?
 5. In respect of Q3 & Q4, how does this compare to applications, by males, from other ethnic groups. If possible, can ask that the response, where required, is provided using figures and not percentages as I am of opinion, after many years of previously working for Islington, that percentages can disguise and hide a multitude of sins."
3. The London Borough of Islington referred the request to its Deputy Acting Returning Officer, who responded to the request in this capacity. They stated Returning Officers are considered exempt from the disclosure requirements under FOIA.
 4. The complainant, however, did not make this request to the Returning Officer, but to Islington Council itself. The ICO therefore considers this a valid request under FOIA, which the Council has yet to provide a proper response to.
 5. On 20 December 2024, the Commissioner wrote to the London Borough of Islington raising various queries to assist with his investigation. The Council referred the Commissioner to its internal review response, and did not specifically address the questions asked by the Commissioner.

Information required

6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the London Borough of Islington shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
- Details of the information it holds on any Council owned, managed or contracted system that falls within scope of the request, regardless of whether it considers it does not hold the information for its own purposes.
 - Having identified whether information is held on any Council owned, managed or contracted system, an explanation of why it considers none of this is held for its own purposes (e.g. ethnic monitoring of Council employees, payroll purposes).

Failure to comply

7. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

8. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

9. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

Joanna Marshall
Group Manager
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Cheshire
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