

**Freedom of Information Act 2000 (Section 51)
Environmental Information Regulations 2004 (Regulation
18)**

Information notice

Date: 5 February 2025

Public Authority: Hertsmere Borough Council
Address: Civic Offices
Elstree Way
Borehamwood
Hertfordshire
WD6 1WA

Section 51

Regulation 18 of the Environmental Information Regulations 2004 ("the Regulations") states that "the enforcement and appeals provisions" of the Freedom of Information Act 2000 ("the Act") shall apply for the purposes of the Regulations. Therefore any reference to "this Act" in Part IV of the Act should be substituted with reference to "these Regulations". Part IV of the Act contains the enforcement and appeals provisions and includes section 50, 51 and 54 as mentioned in this Notice. All references to "the Act" should therefore be read as also referring to "the Regulations".

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-330713-G4P8, for a decision whether a request for information made by the complainant to Hertsmere Borough Council (the Council) on 4 March 2024, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to the Council on 20 December 2024, asking for its submissions in a series of questions relating to its application of regulations 12(5)(f) and 13 of the EIR to the request. Chasers reminding the Council of its obligations were sent on 14, 20, and 27 January 2025.
3. To date, the Council has provided some of the withheld information, but has not provided a substantive response to the Commissioner's questions.
4. As the Council has failed to provide a substantive response to the Commissioner's questions, a formal legal deadline for it to provide its response has been imposed.

Information required

5. 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 Hertsmere Borough Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A substantive response to the questions in his letter dated 20 December 2024; and
 - The outstanding withheld information.

Failure to comply

6. 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

7. 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

8. 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

Jane Smith
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF