

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 June 2018

Public Authority: London Borough of Wandsworth
Address: The Town Hall
Wandsworth High Street
London
SW18 2PU

Decision (including any steps ordered)

1. The complainant requested a series of information relating to the London Borough of Wandsworth's ("the London Borough's") use of a specific address to house individuals with mental health conditions.
2. The Commissioner's decision is that the London Borough of Wandsworth failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. The Commissioner requires the London Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The London Borough must take these steps within 35 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 6 February 2018, the complainant wrote to the London Borough and asked a series of 18 questions which related to a specific property which the London Borough uses to house individuals with mental health problems.
6. The Commissioner will not reproduce the full request in this notice as it is not relevant to the breach identified and because doing so might risk identifying the property in question.
7. The London Borough acknowledged the request on 7 February 2018. The complainant chased the request on 6 April, 12 April & 19 April 2018. The London Borough issued a holding response on 26 April 2018 but had failed to provide a substantive response by the date of this notice.

Scope of the case

8. The complainant contacted the Commissioner on 30 April 2018 to complain about the failure, by the London Borough, to respond to the request.
9. In line with her usual practice, the Commissioner contacted the London Borough on 4 May 2018 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
10. The Complainant contacted the Commissioner on 29 May 2018 to request a decision notice considering the London Borough's compliance with the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA states that:

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.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the London Borough has breached Section 10 of the FOIA.

Right of appeal

16. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

17. 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.
18. 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF