

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **1 February 2022**

Public Authority: **London Borough of Hackney**
Address: **1 Hillman Street**
London
E8 1DY

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Hackney ("the Council") relating to the issue and cancellation of Penalty Charge Notices. 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 breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - The Council must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Council must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 15 May 2021, the complainant wrote to the Council by post and requested information in the following terms:

"I require the following information under the Freedom of Information act:

1. DVLA data returned by your automatic number plate registration query.

Please send me the full extract that was received from Hackney Parking online interface with the DVLA database, relating to the vehicle registration number [registration number redacted], and the alleged contravention on [date and time redacted], as referred to above. I want to see the additional information supplied against that registration, other than the colour and make of the vehicle.

2. List of driving and parking contraventions cancelled because of false (cloned) vehicle registrations.

Please extract and collate all vehicle contraventions within the duration of computer records of Hackney Parking, which were subsequently cancelled because they were proved to be related to cloned vehicle registration plates. The requirement is the number of these records, I am not requesting individualised data or details of vehicle registration. The information must clearly indicate the date of the contraventions and/or the time frame over which these contraventions occurred.

3. Operative training and monitoring

Please send me copies of the training materials and the standard operating procedure which must be followed when the driver of a vehicle is thought to commit a contravention such as the one listed above. Please also send me the appraisal requirements and revalidation policy of such operatives employed by Hackney Parking to issue such Penalty Charges."

6. The complainant's letter was signed for on 1 June 2021 by the Council. By the date of this notice, the Council has not provided the complainant with a substantive response to their request.

Scope of the case

7. The complainant contacted the Commissioner on 21 December 2021 to complain about the Council's failure to respond to their request.
8. The Commissioner has considered whether the Council has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."
10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
11. On 10 January 2022 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention, the Council has failed to respond to the complainant.
13. 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 FOIA. The Commissioner finds that the Council has breached section 10(1) 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 FOIA.

Right of appeal

14. 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

15. 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.
16. 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

Michael Lea
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