

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 July 2022

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

Decision (including any steps ordered)

1. The complainant has requested information relating to support provided to young people.
2. The Commissioner's decision is that the Council has failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation:
 - Issue a response, in accordance with its obligations under FOIA, to the request.
4. The public authority 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 5 April 2022, the complainant wrote to the Council and requested the following information:

"Please can you get the following teams/services to complete the below table regarding support for vulnerable young people.

Mental Health Support - children & young people
Childrens Social Care
Gangs & Community
Safety Youth Offending Team
Alternative Provision Team
Early Help Service."
6. When the complainant did not receive a response, they chased this matter on 10 May 2022, 1 June 2022 and 6 June 2022.
7. The Council acknowledged the request on 9 June 2022, apologising for the delay.

Scope of the case

8. The complainant contacted the Commissioner on 3 July 2022 to complain that they had not received a response to their request.
9. Therefore the Commissioner considers the scope of his investigation to be to determine if the Council has complied with section 10 of FOIA.

Reasons for decision

10. Section 1(1) (general right of access to information held by public authorities) states:

"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."
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11. Section 10 time (time for compliance with the request) of FOIA states:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

12. The request was made on 5 April 2022 and therefore a response should have been provided no later than 6 May 2022.
13. In line with his established processes, the Commissioner contacted the Council on 5 July 2022 to highlight the outstanding response. The Commissioner requested that the Council provide a response within 10 working days of receiving his correspondence.
14. On 26 July 2022 the complainant confirmed to the Commissioner that they were still yet to receive a substantive response to their request.
15. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in its handling of this request. He also notes that the Council has failed to provide its response within the timeframe provided to it by the Commissioner on 5 July 2022.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

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