

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 May 2014

Public Authority: Transport for London
Address: 8th Floor Windsor House
42 – 50 Victoria Street
London
SDW1H 0TL

Decision (including any steps ordered)

1. The complainant has requested information relating to a particular complaint that had been made to the Local Government Ombudsman about Transport for London. Transport for London (TfL) response to the request was outside the 20 working days allowed for dealing with such requests.
2. The Commissioner's decision is that Transport for London has failed to comply with section 10 of the FOIA.
3. As the request has now been complied with, the Commissioner does not require the public authority to take any further action in this matter.

Request and response

4. On 3 November 2013, the complainant emailed TfL. He forwarded TfL an earlier email that it had sent to him on the 15 July 2013 and in which TfL had referred to a complaint. The complaint had been made to the Local Government Ombudsman and was against TfL. It concerned aspects of TfL's policy on engaging with associations which represented taxi drivers. The complainant went onto make a request in the following terms:

"Could you please supply a copy of the complaint mention below that was lodged with the LGO and a copy of their reply to the complaint. Also copies of all correspondence between TFL/TPH and the LGO in connection to this complaint."

5. TfL acknowledged that it had received the complaint on the 4 November 2013. On the 2 December 2013 the complainant enquired whether TfL was in a position to respond to his request and asked it to conduct an internal review if not.
6. TfL did not provide its full response to the request until 10 January 2014. It is understood TfL provided the information requested apart from some which was withheld under section 40(2) on the basis that it was the personal data of other people and its disclosure would contravene the provisions of the Data Protection Act 1998.

Scope of the case

7. The complainant initially contacted the Commissioner on 27 December 2013 to complain that his request had not been responded to. This led to the Commissioner writing to TfL on 7 January 2014. After TfL had responded to the request on 10 January 2014 there was further correspondence between the complainant and the Commissioner. On the 3 April 2013 the Commissioner wrote to the complainant to clarify whether he still wished pursue a complaint against TfL. On 4 April 2014 the complainant advised the Commissioner that he did want to pursue a complaint against TfL for its delay in responding to his request of 3 November 2013.
8. The Commissioner considers that the issue to be decided is whether TfL failed to comply with the request within the 20 working days for doing so as provided by section 10 of the FOIA. The complainant has not raised any issues about the information which was ultimately provided.

Reasons for decision

9. Section 10(1) of the FOIA states that a public authority is required to respond to a request no later than the twentieth working day following receipt of the request.
10. The request was sent to TfL on 3 November 2013. It was sent by email and therefore would have been electronically delivered the same day. This means that the twenty working days would be counted from the following day, ie the 4 November 2013. The twentieth working day would therefore have been 29 November 2013.
11. TfL did not respond to the request until 10 January 2014. Allowing for the bank holidays that occur over the Christmas period, this was forty six working days after the request had been received.

12. It is clear therefore that TfL failed to comply with the requirements of section 10(1).

Right of appeal

13. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

14. 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.
15. 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

Pamela Clements
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