

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 April 2018

Public Authority: Royal Borough of Kensington & Chelsea

Address: The Town Hall
Hornton Street
London
W8 7NX

Decision (including any steps ordered)

1. The complainant requested information about the buildings insurance policies that the Royal Borough of Kensington & Chelsea ("the Royal Borough") holds.
2. The Commissioner's decision is that the Royal Borough has failed to respond to the request within 20 working days and has therefore breached section 10 of the Freedom of Information Act ("the Act").
3. The Commissioner requires the Royal Borough to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the Act, to the request.
4. The Royal 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 6 January 2018, the complainant wrote to the Royal Borough and requested information in the following terms:

"Please provide me with full details of all buildings insurances currently purchased by RBKC giving the following –

- 1. Full schedule of all buildings covered showing insured value of each building*
 - 2. Policy Limits and period of cover*
 - 3. Insurers and brokers for each policy*
 - 4. Premium paid for each policy*
 - 5. Amount to date of claims collected under each relevant policy from the Grenfell Tower fire loss and amount claims still outstanding*
 - 6. Details of all Liability policies purchased by RBKC giving limits premium scope of cover period of policy and insurers."*
6. The Royal Borough acknowledged the request on 18 January 2018, but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The correspondence was received by the Commissioner on 19 March 2018.
8. In line with her usual practice, the Commissioner contacted the Royal Borough on 28 March 2018 to highlight the outstanding response. She requested that the Royal Borough respond to the request within 10 working days. This correspondence was sent to the Royal Borough's publicly advertised FOI mailbox, but was neither acknowledged nor responded to.
9. The Complainant contacted the Commissioner on 19 April 2018 to request a decision notice considering the Royal Borough's compliance with the Act.
10. The Commissioner considers that the scope of her investigation is to determine whether the Royal Borough has complied with Section 10 of the Act.

Reasons for decision

11. Section 1(1) of the Act 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 Act 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 requests in question fulfilled these criteria and therefore constituted valid requests for recorded information under the Act.

14. Section 10 of the Act states that a response 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 Royal Borough has breached Section 10 of the Act.

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
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Cheshire
SK9 5AF**