

## Freedom of Information Act 2000 (FOIA) Decision notice

**Date:** 30 November 2021

**Public Authority:** London Borough of Waltham Forest  
**Address:** Waltham Forest Town Hall  
Forest Road  
London  
E17 4JF

### Decision (including any steps ordered)

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1. The complainant requested information from the London Borough of Waltham Forest ("the Council") relating to the installation of new entrance doors at five flats within the Council's property portfolio.
2. The Commissioner's decision is that the Council breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days from the date that clarification was provided. No steps are required.

### Request and response

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3. On 15 June 2021, the complainant requested information via email, in the following terms:

*"Regarding the document attached, please will you send me copies of*

*(a) [name redacted] 'draft response to the various points raised by [name redacted]' (referenced in the covering e-mail of 04/01/21);*

*(b) preceding correspondence between LBWF officers and [name redacted] on this topic;*

*(c) the promised further 'formal comments/amend' (again referenced in the e-mail).*

*Please will you send this in pdf format or similar."*

4. On 12 July 2021, the Council sent the complainant an email with a document attached. The document was dated 5 July 2021 and asked the complainant to clarify his request of 15 June 2021, with regards to points (a) – (c), as follows:

*"(a) Please can you clarify the information requested since the attached covering email of 04/01/2021 contains [name redacted] draft response, with the text in red. It is however noted that the reference to 48 doors is an error on our part. 33 Doors were replaced as part of programmed works to [redacted] in 2018, of which 15 doors of the 33 Doors were subsequently replaced in error by the contractor in 2020 ,at their cost. FOI[redacted]-Response 09/11/2020 This response clarified that an additional 48 doors from the 217 had been replaced by MS.*

*(b) Please can you give a date range for the information requested.*

*(c) I refer you to the letter to you dated 12th April 2021-from [name redacted]"*.

5. The complainant responded to the Council on 16 July 2021 as follows:

*"Regarding the request for clarification at (b) in the attached response, please will you send me correspondence between LBWF and [name redacted] from 1 January 20218 to 31<sup>st</sup> December 2020 which deals with the flat entrance doors at council properties."*

6. On 10 September 2021, the complainant emailed the Council, referring to the request for clarification of 12 July 2021 and his response of 16 July 2021, chasing a response to his request.

7. On 15 September 2021, the Council emailed the complainant, as follows:

*"Thank you for coming back to me in relation to your FOI clarification, please accept my apologies for the delay in responding.*

*We have endeavoured to look at your request and to be able to assist me with providing the information that you have requested please could you advise on the below.*

*Could you reduce the time frame on the information requested, please note that [name redacted] contract went live on the 1<sup>st</sup> April 2019.*

*Define what you mean by "Flat Entrance Doors".*

*Define the types of records that you require.*

*This will allow me to provide you with the data that you have requested within the Statutory 18hrs".*

8. On 17 September 2021, the complainant provided the Council with the further clarification requested.
9. The Council responded to the complainant's request on 25 November 2021.

### **Scope of the case**

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10. The complainant wrote to the Commissioner on 21 September 2021, to complain about the Council's failure to respond to their request within 20 working days of clarification having been provided on 16 July 2021.
11. The complainant further complained about the Council seeking further clarification on 15, 16 and 17 September 2021, noting the significant period of time which had elapsed since he provided clarification on 16 July 2021.
12. The Commissioner contacted the Council on 9 November 2021, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. The Council responded to the complainant's request on 25 November 2021.
14. 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

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15. 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."*

16. 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"*.

17. 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 clarified request within 20 working days.

## Other matters

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18. The Commissioner reminds the Council to seek clarification of any requests in a prompt and timely manner. In this case, the complainant suffered unnecessary delays due to the time it took the Council to seek further clarification of his request.

## Right of appeal

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19. 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](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**