

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 16 December 2021

**Public Authority:** London Borough of Hackney

**Address:** Town Hall  
Mare Street  
London  
E8 1EA

#### **Decision (including any steps ordered)**

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1. The complainant requested information on 13 August 2021 relating to which companies pay business rates in the London Borough of Hackney. By the date of this notice, the London Borough of Hackney ("the Borough") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Borough 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 Borough to take the following steps to ensure compliance with the legislation.
  - The Borough must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Borough 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

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5. On 13 August 2021, the complainant wrote to the Borough and requested information in the following terms:

*"Dear Sir/Madam,*

*Following on from my request for information last year [redacted] I wanted to enquire if you had reconsidered your position?*

*By way of reminder this is my request....*

*Under the Freedom of Information Act, I would like you to disclose a list of all companies that pay business rates in Hackney Council and which hereditaments(s) they are liable for (including Local Authority References)."*

6. The Borough did not acknowledge receipt of this request. To date, a substantive response to the request has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 1 November 2021 to complain about the Borough's failure to respond to their request.
8. The Commissioner has considered whether the Borough 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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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 15 November 2021 the Commissioner wrote to the Borough, 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 Borough has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Borough did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Borough 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

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**