## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

<u>DECISION NOTICE</u> Ref: FS50059852

**Dated** 2005

Name of Public Authority: Westminster City Council (the "Council")

Address: Westminster City Hall

64 Victoria Street London SW1E 6QP

### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 13 January 2005 the complainant requested from the Council the following information under the Freedom of Information Act 2000 (the "Act"):

## In summary:

Information relating to the inspection and maintenance of the public highway at London W9 1SS in the year to 26 October 2004 and information relating to the complainant's letter to the Council dated 3 November 2004 following his wife's tripping accident which occurred on 26 October 2004.

It is alleged that the Council did not provide the complainant with a meaningful Refusal of Request within 20 working days following the date of receipt of his request. A Refusal of Request must contain the following details in order to comply with the requirements of the Act:

- 1. The fact that an exemption is being claimed
- 2. Which exemption is being claimed
- 3. Why (if not otherwise apparent) the exemption applies
- 4. Particulars of any internal complaints procedure about the handling of requests for information or a statement that the Council does not have such a procedure
- 5. Information about making a complaint under Section 50 of the Act to the Information Commissioner's Office.

## The Commissioner's Decision

Under section 50(1) of the Freedom of Information Act 2000 the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part 1 of the Act and, unless the complaint is withdrawn, to issue a Decision Notice. The complaint has not been withdrawn and therefore the Commissioner has decided to issue a Decision Notice.

The Commissioner's decision is as follows:

In failing to provide to the complainant statements in respect of the five items listed above within 20 working days following date of receipt of his request, the Council

contravened the requirements of Section 17(1)(a), (b) and (c), Section 17(7)(a) and (b) and Section 10(1) of the Act.

# **Action Required**

In view of the matters referred to above the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he requires that:

The Council shall, within 30 days after the date of service of this Decision Notice, respond to the complainant's request made under Section (1)(1) of the Act in accordance with its obligations under Act. If the Council considers that the information requested is exempt information, it shall provide the complainant with an appropriate Refusal Notice in accordance with Section 17 of the Act.

#### Failure to comply

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act, and you may be dealt with as if you had committed a contempt of court.

# **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal Tel: 0116 249 4326 / 4320 / 4295

Arnhem House Support Centre Fax: 0116 249 4131

PO Box 6987 Email: informationtribunal@dca.gsi.gov.uk

Leicester

Leicestershire LE1 6ZX

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the	day of	2005
Signed:		

**Graham Smith** 

**Deputy Commissioner** 

(Pursuant to schedule 5 paragraph 5 of the Data Protection Act 1998 as amended by the Freedom of Information Act 2000)

**Information Commissioner** Wycliffe House Water Lane WILMSLOW Cheshire SK9 5AF