

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 September 2011

**Public Authority:** London Borough of Croydon

**Address:** Taberner House

Park Lane

CR9 3JS

### Decision (including any steps ordered)

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1. The complainant requested the full raw dataset from a recent library network consultation.
2. The public authority refused the request citing the exemptions provided by sections 12 (cost of compliance exceeds appropriate limit) and 22 (information intended for future publication) of the Freedom of Information Act (FOIA).
3. The Commissioner has considered the timeliness with which the public authority handled the request for information.
4. The Commissioner's decision is that the Council breached the FOIA by responding to the request late. There was also a delay to the completion of the internal review. The Council must ensure that these delays are not repeated in future.

### Request and response

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5. On 18 March 2011, the complainant wrote to London Borough of Croydon (the Council) and requested information in the following terms:

*"I should be grateful if you could provide me with the full raw data set from the recent library network consultation*

*(<http://www.croydon.gov.uk/leisure/librar...>).*

*Ideally I should like to receive this data in machine readable format (and note that the survey was conducted in surveymonkey which*

*gives that option). However, if that is not possible, I am happy to receive the full raw data set in whatever format you have it".*

6. The Council responded on 20 April 2011 confirming it held the requested information. However, it stated that, due to the volume of responses it had received to the consultation, it would exceed the "appropriate limit" set out in the FOIA to respond to the request in this case.
7. The complainant requested an internal review on 23 April 2011. The Council acknowledged that the Information Commissioner recommends that internal reviews are undertaken within 20 working days following receipt of the request – in this case, by 25 May 2011. However, it did not write to the complainant until 27 May 2011.
8. The Council maintained that the appropriate limit would be exceeded with respect to the raw data. It also stated that a report on the consultation exercise, containing details of the responses received and therefore relevant to the request, was soon to be published by the Council. It told the complainant that it considered this information to be exempt from disclosure on the basis that it was intended for future publication.

## **Scope of the case**

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9. The complainant initially contacted the Commissioner to complain that he had not received a response to his request for information. Having received the Council's response to his request and been through its internal review procedure, the complainant confirmed that he wished to pursue his complaint.
10. Having considered the context of the request and having written to the complainant on the matter, the Commissioner considers the scope of his investigation to be about the timeliness with which the Council handled the request for information.

## **Reasons for decision**

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11. Section 10(1) of the FOIA states that:

*"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt".*

12. In this case, the Commissioner finds that the Council breached the requirement of the Act that an information request should be responded to within twenty working days of receipt. There was also a delay to the

completion of the internal review. The Council must ensure that the delays experienced by the complainant in relation to this information request are not repeated in future.

## Right of appeal

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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: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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** .....

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
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**Water Lane**  
**Wilmslow**  
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