

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

### **Decision notice**

**Date:** 28 August 2014

**Public Authority:** London Borough of Camden  
**Address:** Law & Governance  
Camden Town Hall  
Judd Street  
London  
WC1H 9JE

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

---

1. The complainant has requested from London Borough of Camden (the "Council") information in relation to renting sheds on housing estates.
2. The Council provided the complainant with the information requested in part 2 of this request but failed to provide the information in part 1. However, at the internal review the Council provided further information. The Commissioner is satisfied that all the information held has now been provided.
3. The Commissioner's decision is that the Council has breached section 10(1) of the FOIA in that it failed to respond to the request within 20 working days of receipt of the clarification of the request.
4. The Commissioner does not require the Council to take any steps.

#### **Request and response**

---

5. On 29 January 2014, the complainant wrote to the Council and requested information in the following terms:

*"Under provisions in the Freedom of Information Act 2000 please provide with the following information in relation to renting sheds on housing estates. There is a summary of the policy here:*

<http://www.camden.gov.uk/ccm/content/housing/information-for-council-tenants-and-leaseholders/parking-ouncouncil-estates/parking-and-garage-space-on-housing-estates.en>

1. *a copy of the Council's full policy for tenants and leaseholders renting sheds from the Council.*
2. *a copy of the standard rental agreement for such sheds."*
6. The Council responded on 31 January 2014. It stated that the complainant's response would be answered within twenty working days.
7. On 4 February 2014 the Council responded to the request and provided the complainant with the information requested in part 2 of this request.
8. On the same day the complainant requested an internal review as he stated that the information in the first part of this request had not been provided.
9. On 11 and 19 February 2014 the complainant resent his request for an internal review as acknowledgment was not received.
10. On 21 February 2014 the Council acknowledged receipt of the internal review and informed the complainant that the Borough solicitor would consider his request.
11. On 31 March 2014 the complainant contacted the Information Commissioner's Office (the "ICO") about the Council's handling of his request for information.
12. On 2 April 2014 the Council provided the complainant with the outcome of the internal review. This included an online link to the information it stated was held in relation to the first part of his request.

### **Scope of the case**

---

13. The complainant contacted the Commissioner on 3 April 2014 to complain about the way his request for information had been handled.
14. The complainant stated that the information requested in the first part of his request which was provided within a link by the council, was not a 'full' policy but a summary. He added that the web pages linked to a new policy and not necessarily the policy held at the time of the request.

The complainant also complained about the length of time the Council took to respond to his request for an internal review.

15. The scope of the Commissioner's investigation is therefore to consider if the information provided in relation to part 1 is all of the information held by the Council at the time of the request falling within the scope of this request. He will also consider the time taken to respond to this request.

## **Reasons for decision**

---

### **Section 1(1)(a)**

16. Section 1(1)(a) and 1(1)(b) of the FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the requested information and if so, to have the information communicated to them.
17. The Council have explained that the only information held at the time of this request is the information provided to the complainant at the internal review. It explained that this is the only policy document it holds in relation to tenants and leaseholders renting sheds from the Council. It stated that the web pages are new but the policy available on them is the same as that which existed at the time of the request.
18. The Commissioner is satisfied on the balance of probabilities that the Council have provided all the information held falling within the scope of the complainant's request.

### **Section 10(1) – Time for compliance**

19. Section 10(1) of the FOIA requires that a public authority complies with section 1(1) promptly and in any event not later than 20 working days following the date that a request was received.
20. The Council failed to provide the complainant with the information requested in part 1 of his request until the internal review on 2 April 2014. As this information was provided outside of the statutory time limit for compliance with requests, the Commissioner has found that the Council breached the requirements of section 10(1) of the FOIA.

## **Other Matters**

---

21. Although there is no statutory time set out in the FOIA within which public authorities must complete a review, the Commissioner considers that a reasonable time for completing an internal review is 20 working days from the date of the request for review, and in no case should the total time taken exceed 40 working days. Where it is apparent that determination of the complaint will take longer than the target time, the authority should inform the applicant and explain the reason for the delay.
22. The Commissioner notes that the Council failed to carry out an internal review until the complainant referred the matter to the Commissioner. In this case the complainant's request for an internal review was made on 4 February 2014. However, the Council failed to respond to this until 2 April 2014.

---

<sup>1</sup><http://www.camden.gov.uk/ccm/content/housing/information-for-council-tenants-andleaseholders/rent-a-shed/rent-a-shed-on-a-council-estate.en?page=1>

---

## **Right of appeal**

---

23. 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](mailto:GRC@hmcts.gsi.gov.uk)

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

24. 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.
25. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**