

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

### **Decision notice**

**Date:** 29 November 2019

**Public Authority:** London Borough of Waltham Forest

**Address:** Town Hall  
Forest Road  
London  
E17 4JF

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

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1. The complainant requested a variety of information concerning the London Borough of Waltham Forest's (the London Borough's) Fire Risk Assessments (FRAs)
2. The Commissioner's decision is that the London Borough failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner does not require any steps to be taken in response to this decision notice.

## Request and response

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4. On 28 June 2019, the complainant wrote to the London Borough and requested information in the following terms:

*"I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000. Please provide me with the following:-*

*On 29 June 2018, Ridge and Partners LLP assessed Northwood Tower and subsequently produced a Fire Risk Assessment (FRA) using RiskBase on 6 July 2018, which was forwarded to the LBWF.*

*1. Since submission of the 29/06/2018 - 29/06/2019 document, how many of the 106 "significant findings" have been actioned since "Northwood Tower has been identified by Waltham Forest Housing as a high priority" in accordance with Waltham Forest Housing policy.*

*2. Is there a central depository containing all the FRAs that you have ever commissioned?*

*3. What is the (full) date of the first FRA that the LBWF ever commissioned? And what is the name of the private firm that secured that contract?*

*4. What is the full name of the member of council staff assigned to manage the FRAs?*

*5. Did you ever commission a private firm to carry out FRAs for the years listed below?*

- 2000*
- 2001*
- 2002*
- 2003*
- 2004*
- 2005*
- 2006*
- 2007*
- 2008*
- 2010*
- 2011*
- 2012*
- 2013*

*I would like the above information to be provided to me in paper format and sent to the following address as per below:-*

*[redacted]"*

5. The London Borough responded to the request by post, sending its response on 20 August 2019.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 6 September 2019 to complain about the timeliness of the London Borough's response to their request.
7. In line with her usual practice, the Commissioner contacted the London Borough on 18 November 2019 to highlight the apparent breach of section 10 of the FOIA.
8. The complainant contacted the Commissioner on 19 November 2019 to request a decision notice considering the London Borough's compliance with the FOIA.
9. The scope of this notice and the following analysis is to consider whether the London Borough has complied with section 10 of the FOIA.

### **Reasons for decision**

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10. 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.*

11. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*

*(c) describes the information requested.*

12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
13. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Council has breached section 10 of the FOIA.

## Right of appeal

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15. 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@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)

16. 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.
17. 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 .....**

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