

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

### **Decision notice**

**Date:** 6 February 2020

**Public Authority:** London Borough of Southwark  
**Address:** PO Box 64529  
London  
SE1P 5LX

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

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1. The complainant requested information from the London Borough of Southwark (the London Borough) concerning gifts & hospitality offered by employees of an architectural firm to employees of the London Borough.
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 requires the London Borough to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. The London Borough must take these steps 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 20 October 2019, the complainant wrote to the London Borough via email and requested information in the following terms:

*"Dear Sir/Madam,*

*I am requesting full disclosure of gifts & hospitality offered by employees of the architectural firm [redacted] to employees of Southwark Council for the period Jan 2016 to present day October 2019.*

*I would appreciate as much information as you are able to share in the attached template"*

6. An excel spreadsheet was attached to the complainant's email, which set out their preference for the format of the requested information.
7. The London Borough acknowledged the request on 18 November 2019, at the same time apologising for delays in the provision of a response.
8. The complainant contacted the London Borough on 22 November, 6 December, and 17 December 2019 respectively, chasing the outstanding response to their request.
9. The London Borough had failed to provide a substantive response to the request by the date of this notice.

## Scope of the case

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10. The complainant contacted the Commissioner on 30 December 2019 to complain about the failure, by the London Borough, to respond to the request.
11. In line with her usual practice, the Commissioner contacted the London Borough on 15 January 2020 to highlight the outstanding response. She requested that the London Borough respond to the request within 10 working days, or otherwise confirm that a response had been issued. Her correspondence was neither acknowledged nor responded to.
12. The complainant contacted the Commissioner on 30 January 2020 stating that they had still not received a response to their request. The Commissioner therefore considers that a decision notice is appropriate in this case.

13. 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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14. 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.*

15. 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.*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
17. 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.*"
18. 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 London Borough has breached section 10 of the FOIA.

## Right of appeal

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19. 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)

20. 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.
21. 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**