

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 December 2020

**Public Authority:** London Borough of Waltham Forest  
**Address:** Waltham Forest Town Hall  
Forest Road  
Walthamstow  
E17 4JF

#### Decision (including any steps ordered)

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1. The complainant submitted a request to the London Borough of Waltham Forest (the Council) seeking information about how it processed FOI requests. The Council responded to most parts of the request, however it failed to address one part of it. The complainant contacted the Commissioner to complain about the Council's failure to address this part of his request.
2. During the course of the Commissioner's investigation the Council provided the complainant with a response to this outstanding part of the request. The complainant did not seek to dispute this response but he was unhappy with the length of time it took the Council to respond to this part of his request.
3. The Commissioner has concluded that the Council breached section 10(1) of FOIA by failing to respond to all parts of the request within the statutory timeframe of 20 working days.
4. No steps are required.

## Request and response

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5. The complainant submitted the following request to the Council on 2 December 2019:

*'As I understand it, some LBWF Freedom of Information Act responses are forwarded by service areas to senior officers for 'review' before being sent to inquirers.*

*Please will you state how this system works, and provide copies of any relevant internal papers or protocols that give service areas guidance.*

*In particular, please will you state the criteria that are used to determine whether such 'review' is to be used or not; and confirm that LBWF does not maintain, either formally or informally, a list of inquirers who are automatically to be subject to this procedure.'*

6. The Council responded on 10 January 2020 and set out a number of criteria under which responses to FOI requests would be sent to a senior officer before being issued.
7. The complainant contacted the Council on 14 January 2020 and asked it to conduct an internal review of this response. He raised the following grounds of complaint:
- The Council had failed to provide copies of any internal papers on this issue;
  - no attempt had been made to respond to the part of his request that sought confirmation as to whether the Council maintained, either formally or informally, a list of inquirers who are automatically subject to the procedure; and
  - he asked the Council to clarify how it decided who was in the media.
8. The Council responded on 6 February 2020. It explained that the criteria disclosed in response to his request were taken from the 'High Priority FOI document' and a copy of this was provided to the complainant. The review also explained how the term 'media' was interpreted. However, the internal review failed to confirm whether or not the Council maintained a list of inquirers who are automatically subject to the procedure described in the request.

## Scope of the case

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9. The complainant contacted the Commissioner on 10 February 2020 to complain about the way his request for information had been handled. He explained that he was dissatisfied with the Council's failure to respond to the part of his request which sought confirmation as to whether or not it maintains a list of inquirers who are automatically subject to the procedure described in the request. That is to say, having responses to their FOI requests sent to senior officers within the Council before they are issued.
10. The Commissioner was not in a position to begin her investigation of this complaint for a number of months. However, on 23 September 2020 she wrote to the Council and asked it to confirm whether or not it maintained a list of the nature described in the complainant's request. She also asked the Council to clarify whether it would be prepared to provide this confirmation/denial to the complainant, and if it was not, to cite the exemption(s) within FOIA which it intended to rely on as the basis not to do so.
11. The Council informed the Commissioner on 19 October 2020 that it did not maintain such a list.
12. At the Commissioner's request, the Council subsequently confirmed the same to the complainant on 9 November 2020, namely:

*'that there is no formal or informal list maintained by the Council of individual and that it is expected that all media enquiries are self-identified through the subject of the request or e-mail address provided. FOI requests are therefore evaluated on a case-by-case basis only.'*
13. Although the Council has now responded to the outstanding part of the complainant's request he remains dissatisfied with the Council's delay in responding to this part of his request.

## Reasons for decision

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14. Section 1(1) of 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 10(1) of FOIA states that a public authority must respond to a request promptly and '*not later than the twentieth working day following the date of receipt*'.
16. As is clear from the chronology above the Council clearly failed to respond to all parts of the complainant's request within 20 working days. The Council's failure to do so represents a breach of section 10(1) of FOIA.

## Right of appeal

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17. 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)

18. 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.
19. 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** .....

**Jonathan Slee**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**