

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2017

Public Authority: The London Borough of Bromley
Address: Civic Centre
Stockwell Close
Bromley
BR1 3UH

Complainant: Mr Daniel McMorrow
Address: dannymcmorrow@gmail.com

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Bromley ("the Council").
2. The Commissioner's decision is that the Council has breached section 10 of the FOIA as it failed to issue a response to the information request within 20 working days.
3. As the Council has responded to the request, the Commissioner requires the Council to take no steps.

Request and response

4. On 8 August 2016, the complainant wrote to the Council and requested information in the following terms:

"So...

I am writing to make an request for all the information to which I am entitled under the Freedom of Information Act 2000.

Please send me recorded information, which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings.

If this request is too wide or unclear, and you require a clarification, I

would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters.(Section 16 Regulation 9).

If my request is denied in whole or in part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all non-exempt material. I reserve the right to appeal your decision to withhold any information or to charge excessive fees. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary. I would like the above information to be provided to me as electronic copies. I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.

Information I'm after:

The current procedure that gives guidance on a move.

Document revision history

How 'Lessons Learned' are incorporated into the active document

Training history of appropriate personal on implementing this policy

What the core aspects of the training are

How failure to follow policy are handled"

5. The Council sent a response to the request on 7 October 2016.

Scope of the case

6. The complainant contacted the Commissioner on 30 September 2016 to complain about the way his request for information had been handled.
7. The Commissioner has had to consider whether the Council handled this request in accordance with the FOIA.

Reasons for decision

8. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.

9. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
10. In this case, the complainant sent a letter containing the request to the Council on 8 August 2016. The Council confirmed that the request was passed to the FOI coordinator on 27 September 2016 and logged on 28 September 2016. A response was subsequently sent on 7 October 2016.
11. It is clear that the Council took over 20 working days to respond to the request and it has therefore breached section 10 of the FOIA.
12. As a response has been provided to the complainant, the Commissioner does not require any steps to be taken by the Council.

Right of appeal

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: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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 

Chris Hogan
Team Manager
Information Commissioner's Office
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