

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 September 2015

Public Authority: London Borough of Hounslow
Address: Civic Centre
Lampton Road
Hounslow
TW3 4DN

Decision (including any steps ordered)

1. The complainant has requested information from the London Borough of Hounslow ("the Council") relating to the job role of an employee at the Council.
2. The Commissioner's decision is that the Council has provided the complainant with all the recorded information it holds that falls within the scope of the request. The Commissioner has also decided that a response was provided to the complainant within the statutory timeframe.
3. The Commissioner requires the Council to take no steps.

Request and response

4. On 15 May 2015, the complainant wrote to the Council and made the following information request:
*"1. The list of your duties as an Estate Monitoring Officer ('EMO'); and
2. full evidence in support".*
5. The Council responded on 9 June 2015. It provided the complainant with information falling within the scope of his request.

Scope of the case

6. The complainant contacted the Commissioner on 11 June 2015 to complain about the way his request for information had been handled.
7. The complainant's concern related to a non-response to his information request.
8. The Commissioner subsequently contacted the Council and asked it to respond to the request. The Council confirmed that it had responded on 9 June 2015 and it provided a copy of its response to the Commissioner.
9. The Commissioner informed the complainant of this and sent them a copy of the response.
10. The complainant contacted the Commissioner on 26 July 2015 expressing dissatisfaction. Specifically, he argued that the Council did not send a copy of the response to him on 9 June 2015. He further considered that the Council held further information falling within the scope of his request.
11. The Commissioner has had to consider whether the Council has provided the complainant with all the recorded information it holds that falls within the scope of the request. He has also had to consider whether the Council has complied with section 10 of the FOIA.

Reasons for decision

12. 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".

13. In scenarios where there is some dispute between the amount of information located by a public authority and the amount of information that a complainant believes may be held, the ICO, following the lead of a number of Information Tribunal decisions, applies the civil standard of the balance of probabilities.
14. In other words, in order to determine such complaints the ICO must decide whether on the balance of probabilities a public authority holds

any information which falls within the scope of the request (or was held at the time of the request).

15. To reach a decision in this case, the Commissioner has considered the context of the case, the nature of the requested information, the Council's responses, the arguments provided by the complainant, and any evidence to suggest that further information is held by the Council.
16. The Commissioner was aware that the Council had provided the complainant with a generic list of duties for an Estate Monitoring Officer. The Commissioner therefore asked the Council whether it held any further recorded information of the duties of an Estate Monitoring Officer that was not detailed in the information provided to the complainant.
17. The Council rang the Commissioner to discuss the case. It confirmed that the only information it held relevant to the scope of the request was the information it had provided to the complainant.
18. In light of this and on the balance of probabilities, the Commissioner is satisfied that the complainant has been provided with all the recorded information that the Council holds that falls within the scope of his request.

Section 10 – time for compliance

19. Section 10 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"*.
20. In this case, the complainant has argued that the Council did not send its initial response to him which is dated 9 June 2015.
21. The Commissioner returned to the Council on this point. It confirmed that a response was sent to the complainant on 9 June 2015 via email.
22. Although the complainant disputes this, the Commissioner has no reason to believe that the Council did not send its response on 9 June 2015.
23. The Commissioner therefore finds that the Council complied with section 10 of the FOIA as a response was issued to the complainant within 20 working days.
24. The Commissioner requires the Council to take no steps.

Right of appeal

25. 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

26. 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.
27. 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
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