

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 July 2019

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

Decision (including any steps ordered)

1. The complainant requested information about investigations carried out by the Trading Standards department.
2. The Commissioner's decision is that the London Borough of Hounslow ("the London Borough") failed to respond to the request within 20 working days and therefore breached section 10 of the FOIA.
3. The Commissioner does not require any further steps.

Request and response

4. On 9 November 2018, the complainant wrote to the London Borough and requested information in the following terms:

"Would you please supply the following information under the Freedom of Information Act.

"The number of trading standards investigations carried out in relation to letting agents and property management companies in the past 5 years. If the number of investigations is less than 15, please extend the period to 10 years. As this request was overlooked in November 2017 please supply this information from November 2012 to October 2017 if more than 15 investigations took place and from November 2007 to October 2017 if less than 15 Investigations took place.

"With the data please expand using the following criteria:

"What was the exact nature of those investigations and outcome on a case by case basis and who were the alleged offending agents involved in those cases. With this in mind please clarify the investigations using the following format taking note of the examples:

Date: xx/xxxx

Company: ABC Agents

Offence/s: Breach of section xx of xxxx Act /Reg xxxx

Nature of Offence: Misleading action/Omission/Money

Laundering/Failure to Register for Redress Scheme

Action Taken: Warning Issued/Court Proceedings Taken (Outcome)/

Referred to Police/SFO/CMA/ Or Relevant comment

Date: xx/xxxx

Company: (Under Investigation)

Offence/s: Breach of section xx of xxxx Act /Reg xxxx

Nature of Offence: Misleading action/Omission/Money

Laundering/Failure to Register for Redress Scheme

Action Taken: Under Investigation/Proceeding With Court

Case/Referred to Police/SFO/CMA/Or Relevant Comment

"It is understood that disclosure of any company's details is not covered by the DPA and therefore cannot be withheld unless there is a current ongoing investigation against the company. In stating this exception only applies to ongoing investigations and does not preclude the company being named relating to previous investigations. If there is an ongoing investigation then please indicate the investigation and omit the company's name."

5. The London Borough responded on 12 December 2018.
6. The complainant was unhappy with the response provided and sought an internal review. The Council issued a further response on 4 June 2019.

Scope of the case

7. The complainant first contacted the Commissioner on 10 March 2019. At that point the London Borough had yet to complete its formal internal review of the response and the Commissioner's intervention was necessary to get the London Borough to complete the review.
8. The complainant contacted the Commissioner on 11 July 2019 to note that he had now been provided with a response which satisfied his

request, but that he was unhappy with the time it had taken to produce. He requested a decision notice recording the late response.

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

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 London Borough has breached section 10 of the FOIA.

Right of appeal

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

Website: 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

**Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**