

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

### **Decision notice**

**Date:** 9 March 2020

**Public Authority:** London Borough of Croydon  
**Address:** Bernard Weatherill House  
8 Mint Walk  
Croydon  
CR0 1EA

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

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1. The complainant submitted a request to the London Borough of Croydon (the Council) seeking information about a particular company. The complainant contacted the Commissioner about the Council's failure to respond to this request.
2. The Commissioner has concluded that the Council breached section 10 of FOIA by failing to respond to the request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under FOIA, to the request.
4. The public authority 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 Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. The complainant submitted the following request to the Council on 23 September 2019:

*'I would like to request the following information about Aurety Limited:*

- 1. Has the council carried out any due diligence on Aurety? If so, can you detail the rationale of the due diligence, what has been carried out, the dates and by which department?*
  - 2. How many council meetings have any representatives of Aurety been invited to/will be invited from 2017 to 2020? If so, please share dates and minutes of these.*
  - 3. How many council meetings have any representatives of Aurety attended from 2017 to present day? If so, please share dates and minutes of these.*
  - 4. Has Aurety contributed to any Community Safety Partnership meetings? If so, what dates were these, what were the outcomes and please share the minutes of the meetings.*
  - 5. Has Aurety contributed to the councils Prevent strategy for 2018/2019 and/or 2019/20? If so, how?*
  - 6. Has Aurety delivered any programmes in schools with the local authority? If so, please share dates, where these were delivered to and the nature of the programmes.'*
6. Having received no response to this request the complainant contacted the Council on 29 October 2019 and on 2 January 2020 in order to chase a response.
  7. The Council did not acknowledge or respond to the complainant's correspondence.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 5 February 2020 and explained that the Council had failed to respond to her request of 23 September 2019.
9. The Commissioner contacted the Council on 17 February 2020 and asked it to ensure that a response to the request was issued within the next 10 working days, ie by 3 March 2020.
10. To date the Council has failed to issue a response to this request.

## Reasons for decision

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11. 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.'*

12. Section 8(1) of 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.'*

13. The Commissioner is satisfied that the complainant's email of 23 September 2019 contained a request which fulfilled the above criteria and therefore constituted a valid request for recorded information under FOIA.

14. Section 10 of FOIA states that responses to requests made under the legislation must be provided *'promptly and in any event not later than the twentieth working day following the date of receipt.'*

15. 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 Council has breached section 10 of FOIA.

## Right of appeal

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16. 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)

17. 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.
18. 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**