

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 July 2021

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

Decision (including any steps ordered)

1. The complainant requested information from the London Borough of Waltham Forest (the London Borough) regarding council tenant evictions. The Commissioner finds that the London Borough responded to the request in accordance with section 10(1) of the FOIA and also met its obligations under section 11 (means of communicating information) by providing a hard copy response to the complainant within the 20 working day time limit. No steps are required.

Request and response

2. On 1 April 2021, the complainant wrote to the London Borough and requested information in the following terms:

"I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act 2000 (FOIA).

Specifically, I would like the following information:-

1. *Details of all evictions carried out on council tenants in the last ten (10) years, including the number of evictions carried out and the reasons for the evictions (i.e. rent arrears, anti-social behaviour).*

2. *The number of council tenants currently facing evictions after the council served a NOSP.*

3. How many such proceedings (NOSP) are contested by tenants? (absolute numbers). And how long each case took to conclude?

4. How many issued notices (NOSP) resulted in legal proceedings against the council tenant for possession of council properties in the last ten (10) years?

5. Of the cases that resulted in legal proceedings, please state the total amount of costs and/or damages the council has spent? (please present this data in a table format). If in doubt, please Google the word table. In a prior FOI (307 391 068), it is clear that the word was problematic for your voids and litigation manager.

6. How many council tenants have been offered alternative housing away from the Marlowe Road Estate or outside of the borough. If the offer is outside of the borough, how far away? (Please answer in miles).

I would like the above information to be provided to me in paper format..."

3. The London Borough provided the complainant with a response to her request for information via email on 21 April 2021. A hard copy response was then hand-delivered by a member of the London Borough's staff to the complainant's specified address on 22 April 2021.

Scope of the case

4. The complainant contacted the Commissioner on 22 April 2021 to complain about the London Borough's handling of her request for information. Specifically, she said that she believed the London Borough had breached section 11 of the FOIA because it had responded to her request by email, one day before she received a hard copy response through her letterbox.
5. The Commissioner has considered whether the London Borough has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA and in relation to the complainant's preference for a hard copy response to be supplied in accordance with section 11 of the FOIA (means of communicating information).

Reasons for decision

6. 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."

7. Section 10(1) of the 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"*.
8. Section 11 of the FOIA allows a requester to express a preference for having the information communicated by a particular means, including a preference to have the information provided in hard copy. The public authority must make the information available by the preferred means so far as it is reasonably practicable.
9. Section 11 does not, however, specify that the information cannot also be supplied electronically. Nor does section 11 specify that a hard copy response must be provided *before* an electronic response, if both are sent.
10. The complainant confirmed in correspondence with the Commissioner that she did receive a hard copy response, as requested, on 22 April 2021:

"On 22 April 2021, I noticed an unmarked White envelope sticking out of my letterbox. After opening the item, I realised that I had received a hand-delivered letter from the LBWF - a FOI disclosure."

11. The London Borough has confirmed to the Commissioner that the hard copy response was hand-delivered by a member of its staff on 22 April 2021. It explained that its staff *"are routinely on site as part of their roles and, on this occasion, it was a convenient and safe way to deliver the response to this address, providing assurance that it would be received."*
12. The London Borough explained that it had also sent the response to the complainant's request via email on 21 April 2021:

"London Borough of Waltham Forest manages freedom of information requests through an electronic system. The system is used to manage freedom of information requests and responses are sent automatically when the information requested has been placed into this system. Therefore, an electronic copy of the information was sent to the recipient. In this particular instance, there was a

specific requirement for a hard copy to be sent to the recipient which was hand delivered in addition to the electronic copy.”

13. The Commissioner is therefore satisfied that the London Borough complied with its obligations under both section 10(1) and section 11 of the FOIA.

Right of appeal

14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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
Group Manager
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