

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

### **Decision notice**

**Date:** 16 January 2023

**Public Authority:** London Borough of Wandsworth

**Address:** Town Hall  
Wandsworth High Street  
London  
SW18 2PU

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

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1. The complainant, over a series of information requests, sought information from the London Borough of Wandsworth ("the Council") relating to the appointment of a third surveyor in respect of a party wall dispute.
2. The Commissioner's decision is that the Council failed to respond to the requests within 20 working days and has therefore breached section 10(1) of the FOIA.
3. The Council has now provided a response. The Commissioner does not require any steps.

## **Request and response**

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4. On 15 October 2021, within a request for internal review in relation to a prior information request, the complainant made two requests for information to the Council.
5. On 16 October 2021, the complainant made a further request for information to the Council.
6. On 10 December 2021, within their internal review response, the Council acknowledged the complainant's further requests and advised that they would be responded to separately.
7. On 1 February 2022, the complainant contacted the Council to chase the outstanding responses to the requests and made three further information requests, including a meta-request for information referenced by the Council when drafting their response to an earlier information request.
8. On 15 February 2022, the Council acknowledged the information requests of 1 February 2022 and apologised for the delay in responding to their requests of 15 and 16 October 2021.
9. On 3 March 2022, the complainant contacted the Council to chase their response.
10. On 11 March 2022, the complainant contacted the Commissioner regarding the Council's handling of their information requests.
11. On 22 April 2022, the complainant contacted the Council to chase their response.
12. On 8 June 2022, the Council provided a narrative response to the complainant's information request of 15 October 2021.
13. On 9 June 2022, the Commissioner contacted the Council regarding the outstanding information requests, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
14. On 16 June 2022, the Council provided information within scope of the complainant's meta-request of 1 February 2022.
15. On 25 July 2022, the complainant requested an internal review. The complainant stated that they had received incomplete responses to their information requests of 15 and 16 October 2021 and 1 February 2022.

16. On 28 September 2022, the Council provided an aggregated internal review addressing the complainant's requests. The Council provided information within the scope of their request of 16 October 2021, and stated further information was not held. In response to one of the complainant's requests of 1 February 2022, the Council refused to provide the information, citing section 21 of FOIA (information accessible to the applicant by other means). The Council provided the complainant with directions on how to access the information from their Archive and Reference library.

### **Scope of the case**

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17. The Commissioner contacted the complainant to establish the scope of their complaint. The Commissioner explained that he considered that the substantive issues raised by the complainant had already been addressed in a previous decision<sup>1</sup> in which he had found that the requested information was not held.
18. The complainant stated that they accepted that the Council did not hold further information within the scope of their requests, however was dissatisfied with the extensive delays experienced and the quality of the responses received. The complainant confirmed that they had been able to access the information refused under section 21 in the Council's Archives and Reference library, however, as the Council did not respond to their request within the statutory timeframe of 20 working days it was not entitled to rely on this exemption. The Commissioner is understanding of the complainant's position, however, as the complainant is now in receipt of this information the Commissioner will not be considering the Council's application of section 21 in this decision. The Commissioner therefore considers the scope of the case to be the Council's compliance with section 10(1) of FOIA.

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<sup>1</sup> <https://ico.org.uk/media/action-weve-taken/decision-notice/2022/4022627/ic-160192-f4r4.pdf>

## Reasons for decision

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19. 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.”

20. Section 10(1) 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.”

21. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the requests for information in accordance with FOIA. The Commissioner’s decision is that the Council has breached section 10(1) by failing to respond to the requests within 20 working days. The Commissioner does not require any steps.

## Other matters

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22. The Commissioner wishes to express his dissatisfaction with the Council’s handling of the complainant’s requests, both in respect of the delays incurred and the quality of the responses provided. The overall standard of the Council’s responses has been poor, both in content and format, and has led to unnecessary increased pressure on both the Council and the Commissioner’s resources.

## Right of appeal

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23. 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](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

24. 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.
25. 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**