

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 August 2021

Public Authority: Royal Borough of Kensington and Chelsea

Address: Town Hall
Hornton Street
W8 7NX

Decision (including any steps ordered)

1. The complainant submitted a request to the Royal Borough of Kensington and Chelsea (the Council) seeking the total cost of replacement doorsets at a particularly property. The Council withheld the information on the basis of section 43(2) (commercial interests) of FOIA. During the course of the Commissioner's investigation the Council provided the complainant with the information it held falling within the scope of the request.
2. The Commissioner's decision is that the Council breached section 10(1) of FOIA by failing to disclose the requested information within 20 working days.
3. No steps are required.

Request and response

4. The complainant submitted the following request to the Council on 4 June 2020:

'Please provide the total cost for the replacement FD30 doorsets by Gerda, supplied and installed at King Charles House as of 28 May 2020.'

5. The Council responded on 1 July 2020 and confirmed that it held the requested information but considered it to be exempt from disclosure on the basis of section 43(2) (commercial interests) of FOIA.
6. The complainant contacted the Council on the same day and asked it to conduct an internal review of this response.
7. The Council informed him of the outcome of the internal review on 4 August 2020. The internal review upheld the application of section 43(2) of FOIA.

Scope of the case

8. The complainant contacted the Commissioner 11 August 2020 in order to complain about the Council's refusal to provide him with the information falling within the scope of his request.
9. During the course of the Commissioner's investigation the Council reconsidered its position. On 14 July 2021 it provided the complainant with the information it held falling within the scope of his request.
10. Following this disclosure, the complainant confirmed that he did not wish to withdraw his complaint. The scope of this decision notice therefore focuses on whether the Council has complied with section 10 of FOIA.

Reasons for decision

11. Section 1(1) 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 10(1) of FOIA states that responses to requests must be provided, *'promptly and in any event not later than the twentieth working day following the date of receipt.'*
13. Although the Council has now provided the complainant with the information it holds falling within the scope of his request it did not do so within 20 working days. The Council therefore breached section 10(1) of 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

Jonathan Slee
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF