

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 9 November 2023

Public Authority: London Borough of Bexley
Address: Bexley Civic Offices
2 Watling Street
Bexleyheath
Kent
DA6 7AT

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-243452-C4B4, for a decision whether a request for information made by the complainant to the London Borough of Bexley (the Council) on 24 May 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant asked the Council to disclose the rejected nomination statements for the Bexley Civic Awards 2023 nominations. The Council withheld the requested information with reliance on section 40(3A) (personal data) of FOIA.
3. The complainant contacted the Commissioner on 5 July 2023 to complain about the way the Council had handled their information request.
4. The Commissioner wrote to the Council on 29 September 2023 to ask it to provide him with the withheld information. The Council acknowledged this request on 10 October 2023.
5. The Commissioner contacted the Council in respect of the withheld information on 17 October 2023 and 2 November 2023. The Council did not respond.
6. To date, the Council has not provided the withheld information to the Commissioner.

Information required

7. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Council shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
8. A copy of the withheld information in this case, namely the rejected nomination statements for the Bexley Civic Awards 2023 nominations.

Failure to comply

9. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

10. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

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