

T Henderson

Our ref: MGLA270910-0385

By email

Date: 21 October 2010

Dear Mr Henderson,

Thank you for your email received on 26 September 2010 in which you request an internal review of the Greater London Authority's (GLA's) handling of your request for information relating to the Southall gas pressure reduction station proposal prepared by the GLA between June 2009 and March 2010.

Background

In an e-mail received by the GLA on 1 July 2010, you requested the above mentioned information under the Environmental Information Regulations (EIR).

The GLA responded to your request on 29 July 2010, extending the deadline for a final response to 26 August under section 10 of the FOI Act on the basis that some of the information may have been subject to an exemption covering commercial sensitivity (section 43 of the FOI Act) and more time was required to consider the public interest arguments that would determine whether the exemption applied or not.

You responded on the same day, querying whether the information should in fact be considered under the EIR rather than the FOI Act as the information relates to air quality and the potential emission of substances into the atmosphere. The GLA did not respond to your email and you sent a further email on 1 September 2010 pointing out that the extended deadline had passed and again asking for confirmation that the right information access legislation was being used to consider your request. The GLA did not respond to this email.

Internal review

In an e-mail received on 26 September 2010, you requested an internal review of the GLA's handling of your request on the grounds that you had not received a response.

In reviewing the GLA's decision, I have considered all of the relevant paperwork, the law that applies in this case as well as the specific points that you have raised.

Response

My findings are as follows:

- The GLA was incorrect to extend the deadline of your original request on the grounds that an exemption was being considered and more time was required to consider the public interest arguments. This was an extension under the FOI Act whereas the information being considered for disclosure is environmental information as defined by regulation 2 of the EIR. Under the EIR, the time limit can only be extended where the request for information is both complex and voluminous. The level of information captured by your request does not meet these criteria, however.
- By not providing you with a substantive response by 29 July 2010 (20 working days following receipt of your request), the GLA breached regulation 5(2) of the EIR.
- Having extended the deadline under the incorrect information access regime, the GLA then failed to respond to your correspondence of 29 July and 1 September where you point out that the information you are asking for has multiple environmental characteristics. Even if the GLA considered that they were correct in dealing with your request under the FOI Act rather than the EIR, they failed to provide the appropriate advice and assistance to you, therefore breaching regulation 9 of the EIR (or section 16 of the FOI Act).
- The delay in providing you with the information you requested occurred because of a breakdown in internal processing procedures. I can assure you that the Information Governance team pursued a response from the relevant GLA officers throughout and there are ongoing discussions with the business areas causing delays to ensure this does not happen again.
- I believe that following your request for an internal review on 26 September, all the relevant information that the GLA holds was issued to you on 11 October, with only personal data redacted. I understand that you have asked for clarification on one of the attachments and that my colleague Paul Robinson is looking into this.

Although, these errors did not ultimately have an impact on the information that was disclosed to you, the time it took to provide you with the information was erroneous. In conclusion, I trust that I have addressed the concerns you raised with us and I would like to apologise on behalf of the GLA for the failings listed above. However, should you wish to raise a complaint with the Information Commissioner's Office, they may be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Yours sincerely

Albert Chan
Information Governance Manager