

Mr Ed Boyce
By email only

Directorate of Governance

Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG
Telephone: 020 7364 4161
www.towerhamlets.gov.uk

21 August 2017

Dear Mr Boyce

Reference: 9070365

FOI Review: Blanket Authority Insolvency Practitioner(s)

I am writing to let you know that Joytun Akther, Complaints and Information Officer, has completed the review of your Freedom of Information (FOI) request.

Your initial request dated 26 June 2017 was for information about insolvency practitioners. The Council initially responded on 24 July 2017, issuing you a refusal notice citing Section 12(1) of the FOI Act, where the cost of complying with your request would exceed the limit of £450, set by the FOI (Appropriate Limit and Fess) Regulations 2004.

You then requested a review on 25 July 2017 as follows:

I do not accept your grounds of providing this information would exceed the costs limits. This information must be made readily available if you are obtaining Bankruptcy Orders and it is unethical to conceal this information.

Having reviewed your request, the Council's findings are as follows.

In accordance with the FOI Act, the Council can decline to answer FOI requests when it estimates that it would cost more than £450 (or 18 hours of staff time, calculated at £25 per hour) to identify, locate, and extract the information that has been requested.

I can confirm that while some of the information is held by the Council it is not recorded in a readily retrievable format. If the Council were to comply with your request, the cost of finding and retrieving the information will exceed the appropriate limit. Furthermore, the Council does not maintain a list of Insolvency Offices or names of Official Receivers. The FOI Act does not oblige a public authority to create information to answer a request if the requested information is not held by the Council.

Your request does not specify a time period and in order to comply with your request the Council assumed that you wanted all records held. To comply would require an extensive search to locate each case file from the last six years (the retention period for case files) from storage. The files would then need to be manually inspected to establish who was appointment and when.

It is estimated that this would require two members of staff an entire week to conduct this work. This equates to approximately 70 hours of work, or an approximate cost of £1,750, and therefore would not be possible to complete without exceeding the appropriate limit. The Council is satisfied that the exemption under Section 12(1) of the FOI Act was correctly applied.

I note that in the Council's initial response, you were asked to refine your request so that it is within the cost limit. In hindsight, we could have clarified with you the time period you were requesting and not assumed it was for all the records retained in unstructured format. I apologise that this was not made clear. If you still wish to refine your request to a shorter time period, please let us know. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOI Act cost limit.

Regarding the other matters raised in your request, I will address each of your questions in turn.

Blanket Authority "Insolvency Practitioner(s) – Tower Hamlets Council

Tower Hamlets Council does not hold a blanket authority as the Council does not nominate a specific Insolvency Practitioner.

Provide the name(s) of the Insolvency Practitioner(s) and the date they were put forward for nomination on behalf and with the approval of Tower Hamlets Borough Council as Creditor.

The Council deals with different Insolvency Practitioners who have been appointed by the Official Receiver.

Provide the name of the Insolvency Office and Official Receiver and the date they were notified of Tower Hamlets Borough Council approved nomination.

The Council does not maintain a list of Insolvency Offices or names of Official Receivers.

And provide a copy of the dated authenticated blanket authority given as Creditor to the Insolvency Practitioner(s) authorising them to act on behalf of the Council.

Not applicable – see response above

The name and job title of the person authenticating the authority on your behalf as the Creditor.

Not applicable – see response above

Tower Hamlets Borough Council are responsible for the work carried out on its behalf by all external agents and you are required to hold full records. Please provide the name(s) of the Insolvency Practitioner(s) and company.

Insolvency Practitioners are appointed by the Secretary of State. The Council does not appoint Insolvency Practitioners; therefore they are not external agents of the Council.

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700
www.ico.org.uk

Further information about the operation of the act is available from the council's website www.towerhamlets.gov.uk and the information leaflet in public reception areas in Council Buildings.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Janet Fasan', with a long horizontal flourish extending to the right.

Janet Fasan
Divisional Director for Legal Services