

Peter Williams

Our ref: **FOI975R**

Email: request-324806-
62eba92c@whatdotheyknow.com

Date: 2 June 2016

Dear Peter Williams

Subject: Freedom of Information Request - Review

Thank you for your email dated 8 May 2016 in which you requested a review of our response to your Freedom of Information request, reference FOI975.

Your request submitted on 26 March 2016

"Please provide all correspondence since 5 April 2011 asking the Commission to issue a compliance notice, and the Commission's replies."

Your grounds for review

1. You say that EHRC receives many enquiries seeking the use of its legal enforcement powers.
2. Yet your reply to my information request FOI975 appears to identify requests relating to just two authorities, namely Doncaster and Tower Hamlets, over the five-year period from April 2011 to April 2016.
3. Two is not "many", and accordingly I have reason to think that your reply has withheld a number of requests to issue a compliance notice and your replies thereto.
4. You have not provided letters of 27 July 2012 to Trevor Phillips referred to in a letter of 6 September 2012 from John Wadham of EHRC (recipient's name redacted) about Doncaster Council, and also the letter responding to an email of 10 September 2013 (recipient's name redacted) responding to the recipient's email dated 26 July 2013 about Doncaster Council."

Our response

We note that you are concerned that there is a discrepancy between the statement:

"...the Commission receives many enquiries seeking the use of its legal enforcement powers to tackle discrimination matters"

and the disclosure of compliance requests relating to just two authorities over the five-year period from April 2011 to April 2016.

This apparent discrepancy can be explained by the fact the majority of enquiries seeking Commission action, are made without reference to a specific power, such as the issuing of a compliance notice.

We are satisfied that a range of searches were conducted to locate any specific requests for the Commission to issue a compliance notice. The areas searched are set out in the response letter and cover those areas where we would expect such information, if held, to be found. As noted, in the response letter there is a small possibility that a request may have been made to an individual member of staff and not been picked up by the searches. However, searching individual mailboxes and H drives without clear direction would take us far beyond the appropriate limit set for the tasks of identifying, locating, retrieving and extracting the information.

With respect to the letters you have identified as missing from the response, please see our conclusions below:

- "letters of 27 July 2012 to Trevor Phillips referred to in a letter of 6 September 2012 from John Wadham of EHRC (recipient's name redacted) about Doncaster Council"

The letter from John Wadham dated 6 September 2012, refers to an email to Trevor Phillips dated 27 July. The email seeks "EHRC intervention" but does not ask the Commission to issue a compliance notice. The email was therefore not within scope of your request.

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However, we consider that you are now making a request for this document and have therefore responded to this as a new request under the reference FOI988. A copy of our response to this request accompanies this letter.

- "letter responding to an email of 10 September 2013 (recipient's name redacted) responding to the recipient's email dated 26 July 2013 about Doncaster Council."

We have concluded that the letter dated 10 September 2013, attached to the email of the same date, and sent in reply to the email dated 26 July 2013, should have been disclosed to you (in redacted form*) as it is the substantive reply to a request for the Commission to issue a compliance notice.

Accordingly, we are disclosing this to you alongside this letter. Please accept our apologies for not including this in the original response.

*Personal data redacted to avoid the unfair processing of third party personal data, by virtue of the S40(2) exemption which was detailed in the original response.

I trust this response now concludes your request. If you are not satisfied with the outcome of this review you may apply directly to the Information Commissioner's Office (ICO) at:

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

Yours sincerely

Wendy Hewitt
Legal Director

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