



Gerlinde Gniewosz
By email

29 January 2018
Our ref: IR224521

Dear Ms Gniewosz

I write in connection with your request for information received on 29 December 2017.

We have considered this request under the Environmental Information Regulations 2004 (EIR).

Your request

Please provide all communication between the Lambeth Estate Regeneration team and Lambeth Housing team regarding repairs and maintenance on Cressingham Gardens over the past 3 years. By way of assistance, please start (but don't necessarily limit) the search with emails / reports between these individuals: Lambeth Housing: Neil Wightman, Gary Dynan, Nick O'Flaherty Lambeth Estate Regeneration: Rick O'Farrell, Julian Hart, Anna Allan

Our Response

We consider that the EIR is the correct legislation for this response.

Regulation 12 (4)(b): Manifestly Unreasonable

We cannot comply with this request as we consider that it is manifestly unreasonable in accordance with Regulation 12 (4) (b) EIR.

We consider that this Regulation applies due to the amount of time it would take us to collate information to respond to the request and the burden the request places on our authority.

We note the Commissioner's position, as explained by the [East Devon District Council case](#) at paragraph 17:-

The EIR differ from the FOIA in that no specific limit is set on the amount of work required by an authority to respond to a request as provided by section 12 of the FOIA. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the fees regulations) which apply in relation to section 12 of the FOIA are not directly relevant to the EIR - the cost limit and hourly rate set by the fees regulations do not apply in relation to environmental information. However, the Commissioner accepts that the fees regulations provide a useful starting point where the reason for citing regulation 12(4)(b) is the time and cost of a request but they are not a determining factor in assessing whether the exception applies.

The Fees Regulations used by FOIA explains that the Council can refuse to comply with a request if the cost of compliance will exceed the Appropriate Limit under section 12. The limit is currently set at £450 which is the equivalent to 18 hours at £25 per hour.

We note this request asks for information which would allow an individual(s) to be identified, and we would therefore be required to redact in accordance with the following exception:-

Regulation 13: Personal Data.

The definition of personal data is set out in Section 1 of the Data Protection Act 1998 as follows:-

"Personal data" means data which relate to a living individual who can be identified—

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,

and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;

A preliminary assessment from one officer's correspondence over the past 3 years resulted in over 450 emails; each individual email and their attachments would need to be opened, checked and any personal information redacted. It is estimated that it would take at least 5 minutes per email to examine giving a total of approximately 37 hours.

Public Interest in Disclosure

The general benefit of increasing openness & transparency that the EIR and the Council aspire to.

We also note there is a presumption in favour of disclosure as per Regulation 12 (2) EIR

Public Interest in maintaining the exception

We consider that compiling a response to this request would be a significant diversion of resources which would not be in the public interest as it may disrupt other decision-making or other workloads. It is not in the public interest to divert officer's attention from their core work in order that we respond to a request made by one individual which may have limited wider public interest.

We consider overall that the public interest in maintaining the exception outweighs the public interest in disclosure.

Should you wish to redefine or shorten your request then please resubmit another request to us and we will consider if we can respond.

Right to Review

If you are dissatisfied with the way in which your request has been dealt with you can request an internal review. Tell us why you are unhappy with our response within 40 working days, and we will consider if the response was responded to correctly. We will aim to provide you with our review response within 20 working days. Please email xxx@xxxxxxx.xxx.xx

If you remain dissatisfied with the outcome of the review you have a further right to appeal to the Information Commissioner, who regulates the implementation of the Freedom of Information Act. The Commissioner can be contacted at the following address:

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

Enquiry line: 0303 123 1113

Thank you for your interest in Lambeth Council.

Complaints and Information Officer
FOI team
London Borough of Lambeth
Email: xxx@xxxxxxx.xxx.xx
Website: www.lambeth.gov.uk