

Chief Executive's Office

Mr Muhammed Iqbal
whatdotheyknow.com
By Email Only
request-153199-ce77ecd7@whatdotheyknow.com

Complaints and Information

Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BG

Enquiries to: **Joytun Akther**
Tel: **020 7364 2241**

www.towerhamlets.gov.uk

23 May 2013

Dear Mr Iqbal

Stage 3 Complaint 1-79598345
FOI Review 8128 Lists of People or Organisations Visiting The Town Hall

I am writing to let you know that Joytun Akther, Complaints Officer, has completed the investigation into your complaint outlined in your email dated 29 April 2013. You requested a review of how the Council handled your request under the Freedom of Information Act 2000.

It is disappointing to note that a response was not provided to you within the statutory timescale of 20 working days and that you were not contacted by officers concerning the delay. Having considered all the information, it is evident that a lapse in service occurred due to an oversight on the part of the officer dealing with this request. Please accept my apology for this and my assurances that the officer has been reminded of the statutory deadline.

Regarding your request for copies of all internal correspondence in relation to the handling of this request, I can inform you that a telephone call was made to Katherine Fleming, Systems & Admin Manager, who confirmed that the information requested is held for only one year. These calls are not recorded. No further correspondence was composed with any other officers on the subject of this request as the information requested, could not be released without the consent of the individuals concerned. In addition, the records of visitors would not have contact details and it is estimated that the cost of locating and retrieving this information together with seeking consent from the high volume of visitors, would amount in excess of 18 hours. Section 12 (1) of the Freedom of Information Act provides an exemption if the authority estimates that the cost of complying with the request would exceed the appropriate limit set at 18 hours. This provides an additional reason for refusing your request.

In having considered your request, I am satisfied that the exemption under Section 40(2) has been correctly applied. The information you have requested concerns personal data about identifiable individuals, and its disclosure would contravene two of the eight data protection principles which sets out the statutory code for the processing of personal data. Firstly, the data protection principles require personal data to be fairly and lawfully processed. The disclosure of personal data relating to a third party would be in breach of the fair processing principle as there is a legitimate expectation by the third party that their information would remain confidential. Secondly, the principles require personal data to be processed in accordance with individuals' rights under the Data Protection Act. The Council therefore has a legal duty to safeguard and respect the privacy of individual personal data. As explained, it would be unfair to someone to pass on their information without consent.

Once again, please accept my sincere apology for the inconvenience that you may have experienced. I can assure you that lessons have been learnt and steps are being taken to improve the procedure so that this does not reoccur.

If you are not satisfied with the Council's response to your complaint you have a right of appeal to the independent Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 01625 545 700

www.informationcommissioner.gov.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



David Galpin
For Assistant Chief Executive (Legal Services)