

FOI/EIR Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

28 November 2012

By post

Dear Sir or Madam

**Complaint regarding Information Request to the Mayor of London**

We act for Clean Air London (CAL) and wish to make a complaint on their behalf in relation to a request submitted by CAL to the Mayor of London and the Greater London Authority (GLA) under the Freedom of Information Act 2000 (**FOIA**) and the Environmental Information Regulations 2004 (**EIR**) (the **Request**).

**Chronology**

The Request was submitted on 13 May 2012 by email and asked to know "what the Mayor of London and/or GLA is doing to influence directly or indirectly the future shape of the revised Air Quality Directive i.e. Directive 2008/50/EC". The Request was limited to "any information held by the GLA or the GLA Group relating to [the] request that has been produced since 1 June 2010."

A copy of the Request is attached at Annex 1.

A response to the Request was first received on 3 July 2012 when all of the information requested was considered exempt from disclosure under the EIRs (attached at Annex 2).

A request was made for the Mayor of London to internally review the response on 24 July 2012), asking for a full review, for the disapplication of exemptions where appropriate and for a proper application of public interest

considerations weighed against any valid ground for exemption (attached at Annex 3).

On 27 September 2012 the Mayor of London responded apologising for the delay and confirming that following review they were partially upholding CAL's complaint. Whilst accepting that some of the information originally withheld had been incorrectly exempt from disclosure, the Mayor of London required more time to reconsider "the original request in its entirety." (attached at Annex 4).

No further response was received from the GLA until CAL requested a response on 21 November 2012 by email (attached at Annex 5).

The Mayor of London responded on 22 November 2012 by email (attached at Annex 6), again apologising for the delay and explaining that the Mayor of London was dealing with a separate complaint to the ICO where some of the same information had been requested. In preparing the disclosure for that case, redactions were required. It is proposed by the Mayor of London that the same set of information would be provided to CAL "as part of our response to your request".

The suggestion is that the remaining parts of the original CAL request, together with the redacted relevant email correspondence relating to a separate and unexplained ICO complaint, will be responded to as soon as the redaction exercise is complete, "hopefully in the next two weeks".

## **Complaint**

The 20 working day time limit under Reg. 5(2) EIR was not complied with following CAL's initial request for information; the twentieth working day following the request was 12 June 2012.

The 40 working day time limit under Reg. 11(2) EIR to respond to CAL's further representations expired on or before 21 September 2012. No clarification of the request has been requested from CAL.

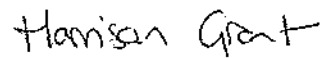
The Mayor of London took 46 working days to indicate that a review had taken place and the complaint was partially upheld, without releasing any of the information requested. Instead, a further review of the request would take place. 76 working days following the request for review, the Mayor of London had still failed to supply the information requested and is attempting to add further delay to the procedure in failing to commit to a date by which

the information will be released to CAL. It is not clear that a proper review has even taken place.

This is a significant and repeated unreasonable delay by the Mayor of London in dealing with the requested internal review.

Please do not hesitate to contact Kate Harrison if you require any additional information. Our details are as listed above. We have forwarded a copy of this complaint to the Mayor of London.

Yours faithfully,

A handwritten signature in black ink that reads "Harrison Grant". The signature is written in a cursive, slightly slanted style.

Harrison Grant

