

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 29th November 2005

Name of Public Authority: British Nuclear Fuels Plc

Address of Public Authority: 65 Buckingham Gate
London
SW1E 6AP

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 1st January 2005 the following information was requested from British Nuclear Fuels plc (BNFL) under section 1 of the Freedom of Information Act 2000 (the "Act"):

"BNFL's total UK PR budget
BNFL's total US PR budget

Total in house public relations budget (UK)
Total in house public relations budget (USA)

Total Corporate Social Responsibility (CSR) budget (UK)

Amounts spent on external PR agencies (PR and lobbying consultancies and individual consultants), with full details of when those external agencies are hired and for what purposes.

Copies of any and all communications strategy documents relating to the areas of public relations, investor relations, government relations, crisis communications, issues management and media relations."

It is alleged that:

1. The information request was not responded to within 20 working days.
2. Insufficient advice and assistance was offered.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or

vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

1. The information request was made on 1st January 2005. The response to this request was dated 18th February 2005. Although this period included a delay from 10th January 2005 to 17th January 2005 whilst awaiting further information from the complainant, the request was not responded to within 20 working days. BNFL have therefore not dealt with the complainant's request in accordance with Part I of the Act in that they have failed to comply with section 10(1) of the Act.

Section 10(1) of the Act states:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

2. The complainant was not provided with all information requested on the grounds that to do so would incur costs exceeding the appropriate limit prescribed in section 12 of the Act. BNFL did not provide to the complainant any information as to how they had made their estimate and the complainant was not offered the opportunity to refine the request in order that it could be complied with within the cost limit. BNFL have therefore not dealt with the request in accordance with the requirements of Part I of the Act in that they failed to provide advice and assistance to the requester as required by section 16(1) of the Act.

Section 16(1) of the Act states:

"It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it."

Action Required

BNFL have now provided information as to how the cost estimate was made and the Commissioner is satisfied with this. The Commissioner understands that the complainant and BNFL have since entered into dialogue aimed at assisting the complainant to refine the initial request in order that it may be possible for BNFL to comply with this without incurring costs that exceed the appropriate limit. The Commissioner also understands that BNFL have since complied with a refined request made by the complainant. It has been emphasised to BNFL that they should be aware of the requirements of section 16(1) of the Act when responding to any future information requests and in view of these matters the Commissioner hereby gives notice that he does not

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require any remedial steps to be taken by BNFL in connection with this specific matter.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 29th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF