

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 14<sup>th</sup> September 2005

**Name of Public Authority:** The Foreign and Commonwealth Office

**Address of Public Authority:** Old Admiralty Building  
London  
SW1A 2PA

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 17 March 2005 the following information was requested from The Foreign and Commonwealth Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

- "From whom, besides Elizabeth Wilmshurst, the British Government received legal advice casting doubt on the legality of military action against Iraq."
- "What that advice was."

It is alleged that the FCO did not respond to the request within twenty working days.

#### **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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

The FCO did not respond to the complainant's request until 8 June 2005 and has therefore breached section 10(1) of the Act. Section 10(1) states:

"Subject to subsections (2) and (3), 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."

## Action Required

In view of the fact that the FCO responded to the complainant's request on 8 June 2005 the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the FCO.

## 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: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
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 14<sup>th</sup> day of September 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF