

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 3<sup>rd</sup> March 2006

**Name of Public Authority:** Department for Environment, Food and Rural Affairs

**Address of Public Authority:** Nobel House  
17 Smith Square  
London  
SW1P 3JR

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 19<sup>th</sup> January 2005 the following information was requested from the Department of Environment, Food and Rural Affairs ("Defra") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...the Defra web site contained the following statement 'Around 7 out of 10 of the public, including a majority in rural areas, oppose hunting. This has been fairly consistent for some years, although individual polls can show differing results.'

Under the Freedom of Information Act I would be grateful if you will inform me, in detail, of the evidence that leads to this statement and send me photocopies of the said documents."

It is alleged that:

Defra did not comply with this request.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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

Defra have stated that they have no record of receipt of this request. In the absence of evidence to suggest that Defra did receive this request, the

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Commissioner accepts the representations of Defra in respect of this. However, this office provided to Defra a copy of the original request on 30<sup>th</sup> August 2005. Defra failed to comply with section 1 promptly following receipt of a copy of the request via this office.

The decision of the Commissioner is that by failing to comply with this information request promptly, Defra have 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).

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."

### **Action Required**

Defra have stated to the Commissioner that they have now complied with the information request and the complainant has confirmed this. In view of these matters the Commissioner hereby gives notice that he does not require any remedial steps to be taken by Defra.

### **Failure to comply**

Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

### **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 3<sup>rd</sup> day of May 2006

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Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF