

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 February 2012

Public Authority: Foreign and Commonwealth Office
Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant requested information regarding the cost of private schooling for children of staff working at the Foreign and Commonwealth Office (the FCO).
2. The Information Commissioner's decision is that the FCO has breached section 10(1) of the Act in failing to respond to the complainant.
3. The Information Commissioner requires the FCO to take the following steps to ensure compliance with the legislation.
 - Provide a substantive response to the complainant, either disclosing the requested information or issuing a valid refusal notice compliant with section 17 of the Act.
4. The FCO must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information 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.

Request and response

5. On 7 June 2011, the complainant wrote to the FCO and requested the following information (translated from Welsh):

"I would like you to inform me of the following information:

How much was the total cost of private education of the children of the FCO to taxpayers over the last five years (information for each year separately please)?

Of this total, how much was spent on schools in Wales (again, information for each year separately)?

Of this total the amount spent on families whose home address is in Wales in the UK (again, information for each year separately)?

What is the average pay of the people who educate their children privately at the expense of taxpayers?

6. The FCO, to date, has not responded to the complainant.

Scope of the case

7. The complainant contacted the Information Commissioner to complain about the way his request for information had been handled. The complainant was dissatisfied with the lack of a substantive response from the FCO.

Reasons for decision

8. Section 10(1) of FOIA states that:

"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."

9. The Information Commissioner contacted the FCO on 2 December 2011 and 5 December 2011 and asked it to provide a copy of the translated request and discuss the case. The FCO acknowledged that it had not responded to the complainant to date, therefore, the Information Commissioner asked the FCO to provide a substantive response as soon as possible.
10. The complainant confirmed to the Information Commissioner on 6 January 2012 that he had still not received a response from the FCO. Therefore, the Information Commissioner has found that the FCO breached section 10(1) of FOIA.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Anne Jones
Assistant Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF