

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 February 2012

Public Authority: Home Office
Address: Seacole Building
2 Marsham Street
London
SW1P 4DFX

Decision (including any steps)

1. The complainant has requested information about meetings that the public authority has attended. The public authority has not yet provided a formal response to this request.
2. The Information Commissioner's decision is that the public authority has failed to comply with the Act.
3. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - It should either provide the requested information or issue a valid refusal notice stating why it is exempt from disclosure.
4. The public authority 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 10 August 2011, the complainant wrote to the public authority and requested information in the following terms:

"... please supply me with a schedule of all meetings held by Home Office Ministers since 1st May 2010 with (a) the Mayor of

London and/or the Chair of the Metropolitan Police Authority, and (b) the Commissioner and/or Deputy Commissioner of the Metropolitan Police, showing the dates of all such meetings, their duration and a list of all those present”.

6. The public authority responded approximately a month later. In an undated letter it stated:

“The information which you have requested is being considered under the exemption in section 36(2)(c) of the Act... This is a qualified exemption and to consider the public interest fully we need to extend the 20 working day response period. We now aim to let you have a full response by 30 September”.

Scope of the case

7. On 27 October 2011 the complainant contacted the Information Commissioner to complain about the way his request for information had been handled. He advised that he had not received a formal response from the public authority.
8. On 11 November 2011 the Information Commissioner contacted the public authority regarding its lack of response. It advised him that it would respond to the complainant within 5 days. On 7 December 2011 the Information Commissioner again wrote to the public authority regarding its lack of response.

Reasons for decision

9. The Information Commissioner has considered whether the public authority has responded to the request in line with the provisions of the Act.
10. Despite the intervention of the Information Commissioner, the public authority has not responded to the complainant's request for information.
11. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
12. Section 17(3) does allow a public authority to provide its public interest determination in a separate notice *“within such time that is reasonable in the circumstances”*.

13. The Information Commissioner has issued publicly available Good Practice guidance on this point¹. It states the following:

"...our view is that public authorities should aim to respond fully to all requests within 20 working days. In cases where the public interest considerations are exceptionally complex it may be reasonable to take longer but, in our view, in no case should the total time exceed 40 working days."

14. In this case the Information Commissioner notes that the public authority is yet to provide a response, well in excess of the recommended maximum of forty days. The Information Commissioner considers this to be an unreasonable timescale.
15. The Information Commissioner therefore finds that the public authority has breached section 17(3)(b) because it has not provided the complainant with its public interest determination within a reasonable time.
16. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory timeframe.

¹http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/foi_good_practice_guidance_4.pdf.

Right of appeal

17. 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

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.

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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF