

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 May 2012

Public Authority: The Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps)

1. The complainant has requested a copy of the blog written by the Chief Executive of the National School of Government. During the Information Commissioner's investigation, when conducting a very late internal review, this was provided. The complainant then queried some of the redactions and further information was then provided; this satisfied the complainant. However, the complainant still required a decision notice to cover procedural breaches. The Information Commissioner does not require the public authority to take any steps.

Background

2. The request can be found on the *'What Do They Know'* website¹.

Request and response

3. On 25 July 2011, the complainant wrote to public authority and requested information in the following terms:

"I request a copy of any blogs written by the Chief Executive. This would include those written by both current and any former holders of that post, whilst in post."

¹ http://www.whatdotheyknow.com/request/chief_executive_blogs

I note that you have previously refused to release some of this information under s40, but from the description given ("recording his personal thoughts and impressions with regard to National School developments and wider civil service initiatives.") it seems unlikely that all the material is genuinely personal data or that it would be unfair to release it given his position and the already wide audience it has been disseminated to".

4. The public authority responded on 19 August 2011. It confirmed it held information but stated this was withheld under section 40 (personal information) of the FOIA.
5. The complainant requested an internal review on 30 August 2011. This was not provided until 27 February 2012 when a substantial part of the requested information was disclosed. Following further correspondence between the two parties, a further disclosure was made and the complainant advised the Information Commissioner that he was satisfied with the information provided.

Scope of the case

6. On 17 December 2012 the complainant first contacted the Information Commissioner to complain about the way his request for information had been handled. Following the belated disclosure referred to above, the Information Commissioner asked the complainant if he would consider withdrawing his complaint as he had now received the information; the complainant declined, requiring a decision notice to cover any procedural breaches.

Reasons for decision

Procedural breaches

Section 10(1)

7. Section 10(1) of FOIA requires that a public authority complies with section 1(1) promptly and within 20 working days at the latest. Section 1(1) requires a public authority to confirm or deny whether it has relevant recorded information and either provide it or rely on an appropriate exemption.
8. The public authority initially complied with the request by providing a valid refusal notice within the statutory time limit. It then went on to disclose most of the information at internal review, having changed its

position. However, a small amount of information was not provided until after the internal review. In relation to the small amount of information which was not provided until after the internal review, the Information Commissioner has concluded that the later disclosure was a contravention of the requirements of section 10(1) of the Act.

Other matters

9. Although they do not form part of this decision notice the Information Commissioner wishes to highlight the following matters of concern.

Internal review

10. Part VI of the section 45 Code of Practice makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint. As he has made clear in his '*Good Practice Guidance No 5*', the Information Commissioner considers that these internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by the Act, the Information Commissioner has decided that a reasonable time for completing an internal review is 20 working days from the date of the request for review. In exceptional circumstances it may be reasonable to take longer but in no case should the time taken exceed 40 working days.
11. The Information Commissioner does not consider this case to be 'exceptional', so is concerned that it took over 20 working days for an internal review to be completed.

Right of appeal

12. 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

13. 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.
14. 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
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