

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 04 September 2013

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall  
London  
SW1A 2AS

#### **Decision (including any steps ordered)**

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1. The complainant submitted a request for information to the Cabinet Office relating to Lady Thatcher's funeral. By the date of this notice the Cabinet Office had yet to provide a substantive response to this request and the Information Commissioner's decision is that, in so doing, the Cabinet Office has breached the requirements of sections 10(1) and 17(3) of the FOIA.
2. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation.
  - Provide to the complainant a full response to his information request. The requested information should either be disclosed, or the complainant should be provided with a refusal notice giving a full explanation as to why the information will not be disclosed, including any public interest considerations.
3. 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 Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

#### **Request and response**

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4. On 23 April 2013 the complainant wrote to the Cabinet Office and requested information in the following terms:

*"Under the Freedom of Information Act, I wish to request a copy of the original and unedited lists sent to the Cabinet Office of individuals*

*recommended to attend Lady Thatcher's funeral last week by the three main political parties, (Conservative, Labour and the Liberal Democrats). These should include all entries, media, members of parliament, leaders of charities etc that were put forward."*

5. The Cabinet Office responded on 20 June 2013, which exceeds the 20 working days limit prescribed by FOIA. It stated:

*"I am writing to confirm that the Cabinet Office is still yet to reach a decision on whether the balance of the public interest test favours disclosing the information requested under section 22 of the Freedom of Information Act 2000. I hope to let you have a response by 18 July 2013. If I can reply before that date, I shall do so. If I need more time to consider the balance of the public interest, I shall write again to let you know."*

6. The Cabinet Office wrote again to the complainant on 22 July 2013 extending the deadline for its public interest considerations to 19 August 2013. The complainant did not receive a substantive response by that date.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 22 July 2013 to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive response had been provided.
8. The Commissioner contacted the Cabinet Office on 20 August 2013; it said that it would endeavour to provide its response by 2 September 2013.
9. No substantive response to the request had been provided by the date of this notice.

### **Reasons for decision**

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10. Section 1(1) of the FOIA provides that any person making a request for information to a public authority is entitled:

*"(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

11. Section 10(1) of the FOIA provides that 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.
12. Under section 17(3) a public authority can, where it is citing a qualified exemption, extend the time to consider the balance of the public interest. The Commissioner considers it reasonable to extend the time to provide a full response including public interest considerations by a maximum of a further 20 working days, which would allow a public authority 40 working days in total.
13. In this case, whilst the complainant has been sent two responses informing him of a delay while the public interest is considered, the total time taken by the Cabinet Office has well exceeded 40 working days. As the Commissioner does not consider this to be a reasonable timescale he finds that the Cabinet Office has not complied with section 17(3). It follows that the Cabinet Office has breached section 10(1) in relation to its handling of this request.

### **Other matters**

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14. As well as finding above that the Cabinet Office is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Cabinet Office should evidence from other cases suggest that there are systemic issues within the Cabinet Office that are causing delays.

## Right of appeal

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15. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

16. 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.
17. 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**