

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 14 December 2015

**Public Authority:** Department for International Development  
**Address:** 22 Whitehall  
London  
SW1A 2EG

#### Decision (including any steps ordered)

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1. The complainant submitted a request to the Department for International Development (DFID) seeking a copy of a report produced by an external elections expert about the electoral processes in Bangladesh. DFID initially withheld this report on the basis of section 27(1) (international relations) and section 40(2) (personal data) of FOIA. During the course of the Commissioner's investigation, DFID disclosed the requested information to the complainant.
2. The Commissioner has concluded that DFID breached section 10(1) of FOIA by not providing this information within 20 working days of the complainant's request.

#### Request and response

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3. The complainant submitted a four part request to DFID on 7 May 2015 focusing on DFID's Strengthening Political Participation (SPP) project in Bangladesh. In the third part of his request he explained that:  
*'The annual review [of the SPP project] also states that:  
  
In March 2014 DFID contracted an external elections expert for a post-election review, and then quotes from it..  
  
...Please could [you] provide me with a copy.'*
4. DFID responded on 31 July 2015 and confirmed that it held a copy of the report produced as a result of the election expert's review. However,

DFID explained that it considered this report to be exempt from disclosure on the basis of sections 27(1)(a) to (d) (international relations) and section 40(2) (personal data) of the Freedom of Information Act (FOIA).

5. The complainant contacted DFID on 2 August 2015 in order to ask for an internal review of this decision.
6. DFID informed him of the outcome of the review on 1 September 2015. The review upheld the application of the exemptions cited in the refusal notice.
7. In November 2015, during the Commissioner's investigation of DFID's reliance on sections 27(1) and 40(2), DFID provided the complainant with a copy of the information he had requested. In disclosing this information DFID explained that although the assessment was primarily for internal use, in the spirit of transparency, DFID proactively published significant information from it in relation to the issues raised in the report, including key extracts from it. Consequently, in light of this, and information which is otherwise in the public domain on this issue, DFID explained that it now considered that the public interest favoured releasing the report.

### **Scope of the case**

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8. The complainant originally contacted the Commissioner on 9 September 2015 to complain about DFID's decision to withhold the requested information on the basis of sections 27(1) and 40(2) of FOIA.
9. Despite the disclosure of the requested information, the complainant questioned whether there was any value, for case law purposes, to have a written determination of his complaint.
10. The Commissioner explained to the complainant that his approach in situations such as this where the disputed information is disclosed during the course of his investigation is to invite the complainant in question to withdraw their complaint. If they refused to do so, the Commissioner would simply issue a decision notice which found that the public authority in question had breached section 10(1) of FOIA by failing to provide the requested information within 20 working days.

## **Reasons for decision**

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11. Section 10(1) of FOIA requires public authorities to disclose information promptly and in any event within 20 working days following the date of the request.
12. In this case the complainant submitted his request on 7 May 2015 and DFID did not provide him with the information he requested until November 2015.
13. The Commissioner has therefore concluded that DFID breached section 10(1) of FOIA.

## Right of appeal

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14. 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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Jonathan Slee**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**