

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 3 November 2016

**Public Authority:** The Cabinet Office

**Address:** 70 Whitehall

London  
SW1A 2AS

### Decision (including any steps ordered)

---

1. The complainant made a request under the provisions of the Freedom of Information Act 2000 (the Act) regarding social media analysis.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
  - Issue a substantive response to the complainant under the Act by either complying with section 1(1) or issuing a valid refusal notice.
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

---

4. On 21 June 2016, the complainant wrote to the Cabinet Office and requested information in the following terms:

*"\*Please provide copies of all analysis of tweets posted by David Cameron on June 16 and June 17 relating to Jo Cox. This could include but is not limited to work looking at how many times particular tweets were retweeted.*

*\*Please also provide copies of all analysis/work on social media impact*

*of David Cameron's words/speeches in relation to Jo Cox on June 16 and June 17. For example: Work looking at how many mentions Mr Cameron was getting following his words on Jo Cox's murder."*

5. To date, no substantive response has been issued.

### **Scope of the case**

---

6. The complainant contacted the Commissioner on 30 August 2016 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of the case to be whether the Cabinet Office has complied with section 10(1) of the Act.

### **Reasons for decision**

---

8. Section 1(1) of the Act states:

*"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 communication to him."*

9. Section 10(1) of the Act states:

*"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."*

10. The complainant sent his request to [foi.team@cabinet-office.gsi.gov.uk](mailto:foi.team@cabinet-office.gsi.gov.uk) on 21 June 2016.
11. On 30 August 2016, the complainant contacted the Commissioner as he had not received a response to his request.
12. The Commissioner contacted the above email address on 12 September 2016 to ascertain if an automated response or undeliverable message was generated. However, a response from the Cabinet Office's FOI team was received advising the Commissioner that the email was not in use and emails sent were only occasionally forwarded to the active email account.

13. The Commissioner contacted the Cabinet Office on 15 September 2016 to remind it of its obligations under the Act and to request a response be issued to the complainant within 10 working days.
14. The Commissioner reminded the Cabinet Office that a request for information does not need to be made to a specific address or person to be valid, it only needs to be made to the relevant public authority.
15. The Commissioner set out that although the Cabinet Office considered this email address to be out of date and not in regular use, emails sent to this address are being received by the Cabinet Office.
16. The Commissioner also set out that the email address in question is advertised as the correct email to use for FOI requests made to the National Security Secretariat<sup>1</sup>, which falls under the Cabinet Office.
17. The complainant contacted the Commissioner on 10 October 2016 to inform her that he had still not received a response to his request for information.
18. The Commissioner considers that, in the absence of an 'email undeliverable' message or an automated response stating the email address is no longer in use, emails sent to this address are received by the public authority and the date of receipt is the date the email is delivered to the server.
19. The Commissioner, therefore, considers that the twentieth working day following receipt of the request was 20 July 2016.
20. As the Cabinet Office did not issue a response by this date, and has still not done so, it has breached section 10(1) of the Act.

---

<sup>1</sup> <https://www.gov.uk/government/organisations/national-security>

## Right of appeal

---

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)

21. 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.
22. 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 .....

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**