

Freedom of Information Act 2000

Decision notice

Date: 10 February 2017

Public Authority: UK Space Agency
Address: Polaris House
North Star Avenue
Swindon
SN2 1SZ

Decision (including any steps ordered)

1. The complainant requested information relating to the Rosetta space craft from the UK Space Agency.
2. The Commissioner's decision is that the UK Space Agency has breached section 10(1) of the Freedom of Information Act 2000 (the Act) because it failed to respond to the complainant's request within the statutory time limit.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Comply with section 1(1) of the Act or issue a valid refusal notice.
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 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

5. On 4 October 2016, the complainant wrote to the UK Space Agency and requested information in the following terms (Commissioner's emphasis):

"I understand that the UK Space Agency participated in the exploration of comet 67P. This was superb science and an amazing

accomplishment. I was equally amazed that while there was a possibility that the Rosetta space craft might still be operational 6 years later when the comet returned, it was not left in place, but crashed. This seems to have been a bit of fun, but in view of the 1.3bn euro cost of the mission it was very expensive fun. Nor was it scientifically justified compared with the possibility of gaining new information about the comet after it had completed an orbit at very little cost. Nothing persuasive of a contrary view has been published by the ESA.

*I am attaching copies of my emails to the ESA and will see what comes of them, but in parallel, would ask you **under Freedom of Information provisions to kindly forward to me any information that you have relating to evaluating the future life of Rosetta and the decision to crash it into the comet.***"

6. To date, the UK Space Agency has not responded to the request. The Commissioner contacted the UK Space Agency on two occasions to hasten a response but received no reply to her communications.
7. The complainant sent the request to the email address "info@ukspaceagency.bis.gsi.gov.uk". The UK Space Agency's website makes it clear this is the email address for general communication, but states that it would like requests under the Act to be sent to "correspondence@ukspaceagency.bis.gsi.gov.uk".¹
8. The Commissioner would encourage complainants to send correspondence to a designated address where available, but for the purposes of the Act a request is valid provided that it is received by a public authority regardless of whether it is received at a designated address. Although, the Commissioner wishes to note that she contacted the UK Space Agency through its designated address for requests and received no response either.

Scope of the case

9. The complainant contacted the Commissioner on 17 November 2016 to complain about the way his request for information had been handled, specifically on the grounds that the UK Space Agency had failed to respond to his request.

¹ <https://www.gov.uk/government/organisations/uk-space-agency>

Reasons for decision

10. Section 1(1) of the Act states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
11. Section 10(1) of the Act states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
12. The UK Space Agency received the complainant's request on 4 October 2016. As the Commissioner is satisfied that the email address used was valid she considers that it would have been received that day, and therefore the twentieth working day after this was 1 November 2016. As the UK Space Agency did not issue a response by this date it has breached section 10(1) of the Act. The Commissioner requires the UK Space Agency to issue a response to the complainant under the Act.

Right of appeal

13. 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 123 4504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

14. 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.
15. 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

Terna Waya
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF