

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 April 2018

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested a copy of the 1992 Precedent Book.
2. The Commissioner's decision is that the Cabinet Office failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the Act").
3. As the requested information has now been supplied, the Commissioner does not require the Cabinet Office to take any further steps.

Request and response

4. On 9 December 2017, the complainant contacted the Cabinet Office via the whatdotheyknow.com website and requested information in the following terms:

"The 1st Tier Tribunal last year ordered disclosure of the 1992 edition of the Precedent Book subject to some redactions. Please provide this in email PDF format."
5. According to the whatdotheyknow.com thread, the Cabinet Office did not acknowledge the request and it is unclear whether the original request was received.
6. The complainant contacted the Commissioner on 15 January 2018 to complain about the failure by the Cabinet Office to respond to his request.

7. As there was no evidence of receipt, the Commissioner wrote to the Cabinet Office on 8 February 2018 to draw attention to the request. In line with her usual practice, she requested that a substantive response be issued within 20 working days.
8. On 12 March 2018, having not had a response, the Commissioner chased the Cabinet Office. The Cabinet Office did respond to this correspondence and stated that it needed further time to consult with the National Archives.
9. On 3 April 2018, as a response had still not been issued, the Commissioner contacted the Cabinet Office once again to chase a response.
10. On 9 April 2018, the Cabinet Office responded to say that it was issuing a response that day. Later that day it contacted the Commissioner again to say that the file was too large to send via whatdotheyknow.com and that it was attempting to send the information to the complainant via other means.
11. The complainant finally received the file on 18 April 2018.

Scope of the case

12. The complainant contacted the Commissioner on 21 April 2018 to request a decision notice in his case because of the time that had elapsed between him making his request and receiving the information.
13. The Commissioner considers that the scope of her investigation is to determine whether the Cabinet Office has complied with Section 10 of the Act.

Reasons for decision

14. Section 1(1) of the Act states 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."*

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

"In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested."*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the Act.

17. Section 10 of the Act states that responses to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*

18. In the absence of any evidence to the contrary, the Commissioner cannot consider the request to have been received by the Cabinet Office until the point of her first intervention – 8 February 2018.

19. The Cabinet Office made the Commissioner aware of technical issues which delayed the requested information from reaching the complainant. The Commissioner sees no reason to believe that this was not the case, however, at the point at which those issues were reported to her, 20 working days had already elapsed since the request was received and therefore the Cabinet Office has breached Section 10 of the Act.

Right of appeal

20. 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

Website: 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

Ben Tomes
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