

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 14 October 2019

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested information relating to the way the Cabinet Office had handled a previous request for information. The Cabinet Office failed to respond within the statutory time for compliance, therefore the Commissioner's decision is that the Cabinet Office failed to comply with section 1, section 10(1) and section 17(1) of the FOIA. Since the Cabinet Office has now issued a substantive response the Commissioner does not require any remedial steps to be taken.

Request and response

2. On 11 May 2019 the complainant requested the following information from the Cabinet Office:

"All correspondence you hold relating to the previous request (FOI327571) during the period 3rd February 2019 -10th May 2019."
3. The complainant sent a chaser on 10 June 2019 and the Cabinet Office issued a refusal notice on 11 June 2019. The Cabinet Office refused the request under section 12 of the FOIA on the basis that it would take too long to comply with the request.
4. The Cabinet Office suggested that the complainant narrow the scope of his request, and he subsequently confirmed that he was content to limit the timescale of the request to the time period 3rd February 2019 – 31st March 2019. The Cabinet Office acknowledged receipt of this refined request on 12 June 2019.

5. The complainant sent a chaser on 18 July 2019, and on 22 July 2019 he advised the Cabinet Office that he had now complained to the Commissioner.

Scope of the case

6. The complainant contacted the Commissioner on 22 July 2019 to complain that he had not received a response to his request.
7. The complainant subsequently advised the Commissioner that the Cabinet Office issued a substantive response to the refined request on 9 August 2019. The Cabinet Office disclosed some information, and withheld some information in reliance on the exemptions at section 40(2), section 36(2)(b)(i) and section 36(2)(b)(ii) of the FOIA.
8. The complainant asked that the Commissioner issue a decision notice to provide a public record of the delay in responding to his request. The complainant did not ask the Commissioner to consider the exemptions claimed by the Cabinet Office. Therefore this decision notice deals only with the time taken to issue a substantive response to the request.

Reasons for decision

Section 1: general right of access

Section 10(1): time for compliance

Section 17: refusal notice

9. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
10. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
11. If the public authority wishes to refuse any part of a request it is required by section 17(1) to issue a refusal notice within the statutory time for compliance.
12. In this case the Cabinet Office did not issue a substantive response to the refined request within the statutory time for compliance. The Commissioner therefore finds that the Cabinet Office failed to comply

with section 1(1)(b) and section 10(1) of the FOIA in respect of this request. Since the Cabinet Office refused to disclose some of the requested information, the Commissioner also records a breach of section 17(1).

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@justice.gov.uk

Website: 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 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

Sarah O’Cathain
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Cheshire
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