

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 6 July 2021

**Public Authority:** Department for Digital, Culture, Media and Sport (DCMS)

**Address:** 100 Parliament Street  
London  
SW1A 2BQ

### **Decision (including any steps ordered)**

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1. The complainant requested from the Department for Digital, Culture, Media and Sport ("DCMS") information regarding correspondence between DCMS and Nominet UK between 22 March 2021 and 12 April 2021. DCMS had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that DCMS failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires DCMS to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, in accordance with its obligations under the FOIA, to the request.
4. DCMS 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 13 April 2021, the complainant wrote to DCMS and requested information in the following terms:

*"(a) Please provide a chronological list of correspondence between DCMS and Nominet UK between 22 March 2021 and 12 April 2021 (inclusive).*

*(b) Please state the number of person-hours (and attributed cost) that were required to fulfil part (a) of this request (ie. compiling and providing the list).*

*(c) For reasons of overall efficiency and reducing net cost to the tax-payer, please append copies of correspondence, in chronological order, starting with the oldest, up to the Information Commissioner's recommended amount of £600 person-hours (equivalent) for government departments, has been reached.*

*i. [Background: these 3 weeks are those following the Nominet EGM on 22 March 2021, at the membership body removed five members of the board.]*

*ii. [For the avoidance of doubt: Nominet UK is the nominally not-for-profit group of companies, which operates the '.uk' registry/domain name system and associated functions, under an arms-length arrangement; and which is answerable to its membership body of mostly UK-based Internet-related companies and individuals.]*

*iii. [For the absolute avoidance of doubt 'correspondence between DCMS and Nominet' should be understand to include all communications with former/outgoing/incoming roleholders departing/transitioning their roles, and those in the process of finalising/handing-over/re-aligning/renewing/adjusting their relationships with Nominet/DCMS, in the three weeks following the EGM.]*

*Please let me know if any further clarification or assistance is required in fulfilling this request."*

6. DCMS acknowledged the request on 13 April 2021 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 25 May 2021 to complain about the failure, by DCMS, to respond to the request.
8. In line with her usual practice, the Commissioner contacted DCMS on 21 June 2021 to highlight the outstanding response. She requested that DCMS respond to the request within 10 working days.
9. The scope of this notice and the following analysis is to consider whether DCMS has complied with section 10 of the FOIA.

## Reasons for decision

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10. Section 1(1) of the FOIA 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.*

11. Section 10 of the FOIA 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.*"
12. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, DCMS has breached section 10 of the FOIA.

## Other matters

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13. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the 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: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.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 .....**

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