

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 July 2022

Public Authority: National Museums and Galleries of Northern Ireland

Address: 153 Bangor Road
Cultra
County Down
BT18 0EU

Decision (including any steps ordered)

1. The complainant requested information about the empirical evidence to support the museum's endorsement of the origins of the human species and the evolution of life. By the date of this notice, the National Museums Northern Ireland (NMNI) had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

Background

5. NMNI is the operating name for National Museums and Galleries of Northern Ireland¹. It is a Non-Departmental Public Body accountable to the Northern Ireland Assembly through the Department of Culture, Arts and Leisure. It is a public authority in its own right for the purposes of the FOIA.

Request and response

6. On 23 February 2022, the complainant wrote to the Ulster Museum, a member organisation of the NMNI and requested information in the following terms:

"I have asked for 'the empirical evidence and hard science to support the Board's endorsement of the origins of the human species and the evolution of life'. To encourage a speedier response, I now make a FoI request for the same information, including all emails, letters, notes and references, which should be supplied to me in paper format, which I will collect from the museum in due course."

7. To date, a substantive response has not been issued.

Scope of the case

8. The complainant contacted the Commissioner on 24 May 2022 to complain about the NMNI's failure to respond to their request.
9. The Commissioner has considered whether the NMNI has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

¹ <http://www.nmni.com/>

Reasons for decision

10. Section 1(1) of 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(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.

12. On 22 June 2022 the Commissioner wrote to the NMNI, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

13. Despite this intervention the NMNI has failed to respond to the complainant.

14. From the evidence provided to the Commissioner in this case, it is clear that the NMNI did not deal with the request for information in accordance with FOIA. The Commissioner finds that the NMNI has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

15. 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@hmcts.gsi.gov.uk>
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Claire Churchill
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF