

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 August 2022

Public Authority: Department for Business, Energy and Industrial Strategy

Address: 1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information from the Department for Business, Energy and Industrial Strategy ("BEIS") about supporting evidence and impact assessment for the "Choice on units of measurement: markings and sales" consultation. BEIS later contacted the complainant to request clarification of the request.
2. The Commissioner's decision is that BEIS breached section 10(1) of FOIA by failing to ask for clarification of the request within the statutory time frame of 20 working days.
3. As BEIS has now requested clarification of the request, no steps are required. However BEIS is reminded that it should now provide a response to the clarified request within 20 working days.

Request and response

4. On 3 June 2022, the complainant made the following request for information:

" I am a private citizen who would like to make a FOI request related to the "Choice on units of measurement: markings and sales" consultation.

The consultation paper ([link here](#)) didn't include an analysis of the proposal, or a detailed reasoning to consider this proposal. Could

you please share any evidence that the Government holds to support this proposal?

Could you please share the impact assessment showing the costs-benefits of introducing Imperial units in the UK?"

5. BEIS requested clarification of the request for information on 20 July 2022 and this was provided by the complainant on the same day.

Scope of the case

6. The complainant contacted the Commissioner on 6 July 2022 to complain about BEIS's failure to respond to their request within the statutory time frame of FOIA.
7. The Commissioner has considered whether BEIS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

8. 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."
9. Section 10(1) of 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". This also includes the obligation to ask for clarification, if required, within this timeframe.
10. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with FOIA. The Commissioner finds that BEIS has breached section 10(1) by failing to respond to the request within 20 working days.
11. Although there are no steps required by this decision notice, BEIS should now provide a response to the clarified request within 20 working days of the clarification being received.

Right of appeal

12. 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

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

13. 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.
14. 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

Michael Lea
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