

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

### **Decision notice**

**Date:** 5 January 2022

**Public Authority:** The Department for Education  
**Address:** Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

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

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1. The complainant requested information from the Department for Education (DfE) relating to the DfE's press rebuttals team. By the date of this notice the DfE had not issued a substantive response to this request.
2. The Commissioner's decision is that the DfE has breached section 10(1) of the 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 DfE to take the following step to ensure compliance with the legislation.
  - The DfE must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The DfE 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 the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 28 September 2021, the complainant wrote to the DfE and requested information in the following terms:

*"Please provide the cost of operation the DfE press rebuttals team from its formation to date.*

*Please provide a breakdown of the cost of operating this team to date by month.*

*Please provide copies of any guidance issued to new members of the rebuttals team on how the team operates."*

6. The DfE wrote to the complainant on 28 September 2021 to acknowledge the request. By the date of this notice, the DfE has not provided the complainant with a substantive response to their request.

## Scope of the case

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7. The complainant contacted the Commissioner on 7 December 2021 to complain about the DfE's failure to respond to their request.
8. The Commissioner has considered whether the DfE has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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9. 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."*

10. 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"*.

11. On 15 December 2021 the Commissioner wrote to the DfE, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the DfE has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the DfE did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the DfE 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 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**