

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

### **Decision notice**

**Date:** 8 February 2022

**Public Authority:** Department for Digital Culture, Media and Sport  
**Address:** 100 Parliament Street  
London  
SW1A 2BQ

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

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1. The complainant requested information from the Department for Digital Culture, Media and Sport ("DCMS") about its email correspondence with the Cabinet Clearing House in 2019. By the date of this notice DCMS had not issued a substantive response to this request.
  2. The Commissioner's decision is that DCMS has breached section 10 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 DCMS to take the following step to ensure compliance with the legislation.
    - DCMS must provide a substantive response to the request in accordance with its obligations under the FOIA.
  4. DCMS 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.
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## Request and response

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5. On 24 September 2021, the complainant wrote to DCMS and requested information in the following terms:

"Please kindly provide a copy of the first 20 email communications that you come to in 2019 that were sent to and received from the Cabinet Office Clearing House. We accept that some content may need to be redacted."

6. To date, a substantive response to the request has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 14 January 2022 to complain about DCMS's failure to respond to their request.
8. The Commissioner has considered whether DCMS has complied with its obligations in relation to the time for compliance at section 10 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 24 January 2022 the Commissioner wrote to DCMS, 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 DCMS has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that DCMS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that DCMS has breached section 10 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**