

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2022

Public Authority: Department for Digital, Culture, Media and Sport

Address: 100 Parliament Street
London
SW1A 2BQ

Decision (including any steps ordered)

1. The complainant requested information from the Department for Digital, Culture, Media and Sport (DCMS) about correspondence between it and Philip Davies MP relating to gambling regulation. By the date of this notice DCMS for had failed to provide a substantive response to this request.
2. The Commissioner's decision is that DCMS 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 DCMS to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
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 Act and may be dealt with as a contempt of court.

Request and response

5. On 9 November 2021, the complainant wrote to DCMS and requested information in the following terms:

"I am sending this request under the Freedom of Information Act.

1) Please provide a copy of all correspondence (sent and received) between ministers of your department and Philip Davies MP relating to

a) Gambling regulation

b) Entain, formerly GVC Holdings

Please include emails, texts, WhatsApp messages or messages on equivalent platforms such as Signal, internal work instant messages such as on Slack, Teams or Gchat, and a list of and minutes of any calls.

Please also list the titles of attachments to emails or messages within the scope of this request.

2) Please provide a record of all meetings between ministers of your department and Philip Davies MP concerning or relating to:

a) Gambling regulation or related issues.

b) Entain, formerly GVC Holdings

Please provide

-A list of these meetings, including topics.

-A copy of the minutes recorded of these meetings

-A copy of civil service briefings prepared ahead of these meetings for the minister concerned.

-A list of the titles of any documents considered at these meetings.

I am happy to limit my request to electronically held records.

Please provide information held from 1 June 2020 to date."

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

Scope of the case

7. The complainant contacted the Commissioner on 17 January 2022 to complain about the failure by DCMS to respond to his request.
8. The Commissioner has considered whether DCMS complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

Reasons for decision

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 26 January 2022, the Commissioner wrote to DCMS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant 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 DCMS 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

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

Website: 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
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Wycliffe House
Water Lane
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Cheshire
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