

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 March 2023

Public Authority: Department for Transport
Address: Great Minster House
33 Horseferry Road
London
SW1P 4DR

Decision (including any steps ordered)

1. The complainant requested information from the Department for Transport ("DfT") about ministerial diary entries for Grant Shapps. The DfT relied originally on section 14(1) of FOIA to refuse the request.
2. During the course of the Commissioner's investigation, the DfT said that it had decided to disclose information within scope, therefore, by implication, overturning its previous reliance on section 14(1) of FOIA.
3. The Commissioner requires the DfT to take the following step to ensure compliance with the legislation.
 - To issue a fresh response to the request, without relying upon section 14(1) of FOIA.
4. The DfT 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 9 December 2021 the complainant wrote to the DfT and requested information in the following terms:

"This is a request for information under the Freedom of Information Act. I would like to request the following information:

From 1st February 2020 to 1st July 2020, please provide a copy of Secretary of State for Transport Grant Shapps' ministerial diaries.

Please note, I am making this request out of the public interest. It is absolutely essential for the public to know - in full detail - the calls, events and meetings that took place across the year when the pandemic gripped the UK and beyond."

6. The DfT responded on 18 January 2022 and advised that although it held information within the scope of the request, it was relying on section 14(1) of FOIA as complying with the request would place an unnecessary burden on officials to read through each diary entry since 1 February 2020, to determine if the information can be released.
7. The complainant expressed dissatisfaction with that response on 18 January 2022.
8. Following an internal review, the DfT wrote to the complainant on 15 February 2022 and upheld its original decision.

Scope of the case

9. The complainant contacted the Commissioner on 12 May 2022, to complain about the way their request for information had been handled.
10. On 10 January 2023, during the course of the Commissioner's investigation, the DfT revised its position and informed the Commissioner that it would disclose the requested information.
11. On 31 January 2023 the Commissioner wrote to DfT to request an update and asked it to provide a new response to the complainant's request within 10 working days.
12. Despite this intervention DfT has failed to respond to the complainant.

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13. In light of the above, the Commissioner therefore finds that the DfT was not entitled to rely originally on section 14(1) of FOIA in order to refuse

to comply with the request. The Commissioner's decision is that the DfT should issue a new response to the request for information which does not rely on section 14(1) of 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF