

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 May 2024

Public Authority: Foreign, Commonwealth & Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant requested information from the Foreign, Commonwealth & Development Office (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of 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 public authority to take the following step to ensure compliance with the legislation:
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; <https://ico.org.uk/for-organisations/eir-and-access-to-information/information-commissioner-s-office-advisory-note-to-public-authorities/>

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 13 January 2024 the complainant wrote to the public authority and requested information in the following terms:

“Under the UK Freedom of Information Act, I would like to request the following information:

- All communications (including but not limited to emails, attachments, minutes of meetings, internal reviews, memos, briefings) produced by and/or circulated within the FCO concerning the review of overseas aid spending that was announced in June 2015. This part of the covers the period 1 June 2015–1 July 2015.
- All email exchanges, including attachments, sent/received by Foreign Secretary Phillip Hammond pertaining to the review of overseas aid spending announced in June 2015. This part of the request covers the period 1 June-1 July 2015.
- All email exchanges between the FCO Press/Communications team and The Sun newspaper covering the period 20-30th June 2015.”

6. On 15 January 2024 the public authority acknowledged receipt of the request and said it aimed to respond by 12 February 2024.

Reasons for decision

7. 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.”

8. 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”.

Reference: IC-295820-X0Z5

9. On 18 April 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention, the public authority has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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 FOIA.

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.

Joanna Marshall
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