

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 22nd November 2005

Name of Public Authority: Department for Education and Skills

**Address of Public Authority: Moorfoot
Sheffield
S1 4PQ**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 11th February 2005 the following information was requested from the Department for Education and Skills under section 1 of the Freedom of Information Act 2000 (the "Act"):

"...details by email of the amount spent on further education (FE) in the last 20 years on a year by year basis."

It is alleged that the Department for Education and Skills did not respond to the request within 20 working days.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Department for Education and Skills initially responded to the complainant's request by email dated 21st March 2005. In that email, the complainant was provided with the information requested relating to the periods 1994-95 to 2002-2003. Following contact with the Information Commissioner's Office, the Department for Education and Skills provided more of the information requested by email dated 15th September. This incorporated the information relating to the period 1989-90 onwards. This still did not satisfy the complainant's request as the information requested was to date back over 20 years. The Information Commissioner's office therefore contacted the Department for Education and Skills again and a final email with the remaining information attached was sent by them to the complainant on

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the 2nd November 2005.

In failing to respond in full to the complainant's request dated the 11th February 2005 until 2nd November 2005, the Department for Education and Skills did not deal with the request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) states "...a public authority must comply with section 1(1) promptly and in any event, not later than the twentieth working day following the date of receipt."

Action Required

The Commissioner does not require any remedial steps to be taken by the Department for Education and Skills.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 22nd day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF