

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2012

Public Authority: Foreign and Commonwealth Office
Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant requested information relating to the funding and expenditure of non-government organisations based in Israel and the Palestinian Authority (PA) areas. The Foreign and Commonwealth Office (FCO) failed to provide a substantive response to the complainant.
2. The Information Commissioner's decision, therefore, is that the FCO breached section 10(1) of the Act.
3. The Information Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a substantive response to the complainant either disclosing the information or issuing a valid refusal compliant with section 17 of the Act.
4. The public authority 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 1 July 2011, the complainant wrote to the FCO and requested information in the following terms:

"in addition, we would welcome a similar table of organisations and FCO expenditure in both Israel and the PA areas for the year 2010/2011."

6. The FCO, to date, has not responded to the complainant.

Scope of the case

7. The complainant contacted the Information Commissioner to complain about the way her request for information had been handled. She was dissatisfied that the FCO had not responded to her request for information.

Reasons for decision

8. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), 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."

9. The Information Commissioner wrote to the FCO on 9 December 2011 to make it aware of the complaint and asked the FCO to respond as soon as possible to the complainant.
10. The complainant confirmed to the Information Commissioner on 18 January 2012 that she had still not received a response from the FCO. Therefore, the Information Commissioner finds that the FCO has breached section 10(1) of the Act.

Right of appeal

11. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

12. 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.
13. 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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF