

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 16 January 2014

**Public Authority:** The Cabinet Office  
**Address:** 70 Whitehall  
London  
SW1A 2AS

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the holiday entitlement of the Prime Minister and members of the Cabinet. By the date of this notice the Cabinet Office had yet to provide a substantive response to this request. The Information Commissioner's decision is that the Cabinet Office breached section 10 of the FOIA in that it has failed to provide a response to the request.
2. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation:
  - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
3. 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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### Request and response

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4. On 18 August 2013, the complainant wrote to the Cabinet Office and requested information in the following terms:

*"Please would you kindly provide the number of days holiday the Prime Minister is entitled to per year.*

*Please provide the name of the official responsible for providing such entitlement and the law which governs it.*

*Please provide the date range as to what constitutes a year in terms of the Prime Minister's and MPs year - ie does it start on 1st April until 31st March or does it work by calendar year?*

*Would the Prime Minister forfeit unused holidays after that year has passed?*

*Please provide the number of days holiday which a member of the cabinet office is entitled to per year.*

*Would a cabinet member forfeit unused holidays after that year has passed?*

*Who is responsible for keeping track of cabinet ministers holidays and other days of absence"?*

5. The Cabinet Office issued an automated acknowledgement of the request on 19 August 2013.
6. In the absence of any response the complainant wrote to the Cabinet Office asking for an internal review of the request as no response had been received.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 8 October 2013 to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive response had been provided.
8. The Commissioner wrote to the Cabinet Office on 29 October 2013 asking it to respond. In the absence of any response he wrote again on 25 November 2013 advising that the complaint would be investigated.
9. On 4 December 2013 the Commissioner wrote again to the Cabinet Office asking that someone contact his office regarding the complaint. As a result of a subsequent telephone call made by the Commissioner's

office, the Cabinet Office advised that it was aware of the case and was considering a response.

10. No substantive response to the request had been provided by the date of this notice.

### **Reasons for decision**

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11. Section 1(1) states:

*1.(1) Any person making a request 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.*

12. Section 8(1) of FOIA states:

*8(1) In this Act any reference to a "request for information is a reference to such a request which -*

- (a) Is in writing,*
- (b) States the name of the applicant and an address for correspondence, and*
- (c) Describes the information requested.*

13. The Commissioner considers that the request in question fulfilled this criteria, and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10(1) of the FOIA states that 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.

15. From the information provided to the Commissioner it is evident that the Cabinet Office did not respond to the complainant within the statutory timeframe in respect of this request.

16. The Commissioner's decision is that the Cabinet Office did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days. As it has still not responded to the request, the Cabinet Office is now formally

required by the Commissioner to respond to the request of 18 August 2013.

## **Other matters**

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17. As well as finding that the Cabinet Office is in breach of the FOIA in this case, the Commissioner notes that the Cabinet Office has failed to meet its obligations to respond to requests for information in a number of cases brought to his attention, including over recent months. The Commissioner records details of the complaints he receives and will continue to monitor the Cabinet Office's performance with a view to regulatory action.

## Right of appeal

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18. 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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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 .....**

**Alexander Ganotis**  
**Group Manager – Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**