

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 March 2014

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

#### **Decision (including any steps ordered)**

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1. The complainant requested information on feedback for the consultation on the statutory register of interests. 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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4. On 24 August 2013 the complainant wrote to the Cabinet Office and requested information as follows:

*"I am writing to request copies of all the submissions giving feedback for the consultation on a statutory register of interests. There have been a few summarised but I would like the full versions. Including any anonymous submissions if there were any."*

5. The Cabinet Office issued an automated response on 28 August 2013.
6. In the absence of any further response the complainant wrote to the Cabinet Office on 8, 11, 12 and 13 November 2013 asking for a response. He received no response.

## Scope of the Case

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7. The complainant contacted the Commissioner on 12 December 2013 to complain about the lack of any response.
8. The Commissioner wrote to the Cabinet Office on 17 December 2013 asking it to respond. In the absence of any response the complaint was referred for investigation.
9. On 22 January 2014 the Commissioner wrote again to the Cabinet Office asking for an explanation of the delay. Following subsequent telephone calls the Cabinet Office informed the Commissioner that a response was in progress.
10. No substantive response to the request or explanation for the delay had been provided by the date of this notice.

## Reasons for decision

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11. **Section 1(1)** states:

*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)** states:

*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 these 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 24 August 2013.

**Other Matters**

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17. The Commissioner notes that the breach of section 10(1) in this case follows on from a number of other cases brought to his attention where the Cabinet Office has failed to meet its obligations to respond to requests for information. Consequently the Commissioner is currently formally monitoring the performance of the Cabinet Office in this respect.

## 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 .....**

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