

## Freedom of Information Act 2000

### Decision notice

**Date:** 16 June 2015

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall

London

SW1A 2AS

### Decision (including any steps ordered)

---

1. The complainant requested information from the Cabinet Office relating to the drafting of secondary legislation. The Commissioner's decision is that the Cabinet Office has breached sections 1(1) and 10(1) of the Freedom of Information Act 2000 (the Act) because it has not issued the complainant with a response to his request within the statutory time limit.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a response to the complainant under the Act.
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

---

4. On 20 March 2015, the complainant wrote to the Cabinet Office and requested information in the following terms:

*In response to a written Parliamentary question recently, Oliver Letwin stated:*

*The Government Legal Service runs a structured training programme and produces comprehensive guidance on drafting statutory*

*instruments. The Office of the Parliamentary Counsel also makes its drafting guidance available to Departmental lawyers."*

*Please provide me with an electronic copy of all of the said training material and guidance related to the drafting of secondary legislation and statutory instruments.*

5. The Cabinet Office acknowledged receipt of the request on 24 March 2015. It has not issued any further response.

### **Scope of the case**

---

6. The complainant contacted the Commissioner on 22 April 2015 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of the case to be whether the Cabinet Office has complied with sections 1 and 10 of the Act.

### **Reasons for decision**

---

8. Section 1(1) of the Act states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
9. Section 10(1) of the Act states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
10. The Cabinet Office is obliged under section 1(1) of the Act to confirm or deny whether recorded information relevant to the complainant's request is held, unless there is an exemption which prohibits it from doing so. As the Cabinet Office has not responded to the complainant and confirmed whether relevant information is held it has breached section 1(1) of the Act.
11. The Cabinet Office acknowledged receipt of the complainant's request on 24 March 2015. The twentieth working day after this was 23 April 2015. As the Cabinet Office did not issue a response by this date it has breached section 10(1) of the Act. The Commissioner requires the Cabinet Office to issue a response to the complainant under the 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: 0300 1234504

Fax: 0870 739 5836

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

Website: <http://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.

**Signed .....**

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