

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 September 2016

Public Authority: The Cabinet Office

Address: 70 Whitehall

London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant made a request under the provisions of the Freedom of Information Act 2000 (the Act) regarding permanent secretaries.
2. The Commissioner finds that in failing to provide a response within 20 working days of the request, the Cabinet Office has breached section 10 of the FOIA.
3. The Commissioner does not require the Cabinet Office to take any further steps.

Request and response

4. On 24 April 2016, the complainant emailed the Cabinet Office and requested information in the following terms:

"Under the Freedom of Information Act, please can you provide me with a list of all the permanent secretaries by department, including those within the three devolved administrations, who signed up to the Cabinet Office/NTUC Protocol for Handling Surplus Staff Situations, in April 2008. Please also provide a further list detailing the same for the revised version of July 2014."

5. On 11 May 2016, the complainant emailed the Cabinet Office requesting confirmation that it had received her request.

6. On 24 May 2016, the complainant forwarded her request directly to the FOI team at the Cabinet Office and requested a response.
7. On the same day, the complainant attempted to contact the Cabinet Office through the GOV.UK website to request a response to her request. She received a response on 27 June 2016, confirming her request had been forwarded to the FOI team at the Cabinet Office.
8. On 25 May 2016, the FOI team at the Cabinet Office responded to the complainant to confirm the request had been passed to the Cabinet Office FOI team and provided a reference number. It stated that it hoped to provide a response shortly but did not confirm when the request was received.
9. On 8 June 2016, the complainant contacted the FOI team at the Cabinet Office and again requested a response.
10. The complainant subsequently contacted the Commissioner stating that she had received no response to her request for information.
11. On 9 July 2016, the Commissioner contacted the Cabinet Office regarding the complaint and asked the Cabinet Office to provide a response within 10 working days.
12. On 30 August 2016, the Cabinet Office informed the Commissioner that a response had been issued on 8 August 2016.

Scope of the case

13. The Commissioner considers the scope of this case to be whether the Cabinet Office has complied with section 10(1) of the Act.

Reasons for decision

14. Section 10(1) of the Act states:

"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."

15. 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 and then provide it, unless an exemption is engaged, in which case a refusal notice must be issued.

16. The Cabinet Office received the request on 24 April 2016. The twentieth working day after this was 23 May 2016.
17. If the receipt of the request was disputed and the Commissioner took the date of acknowledgement as the date of receipt, this would be 24 May 2016. The twentieth working day following this was 22 June 2016. However, in the absence of a dispute from the Cabinet Office, the Commissioner must assume the original request was received.
18. The Cabinet Office was provided with a copy of the request on six occasions and issued a response after 73 working days. It is, therefore, in breach of section 10(1) of the Act.

Other matters

19. The Commissioner notes that the request was sent to 'publiccorrespondence@cabinetoffice.gov.uk'. This email address is provided to the public via the department's page on the GOV.UK website.
20. The Commissioner would like to remind the Cabinet Office that a request for information does not need to be made to a specific staff member or team within a public authority. Any request for information made to a public authority is valid provided it satisfies the conditions set out in section 8.

Right of appeal

21. 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 123 4504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

22. 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.
23. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF