

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 August 2021

Public Authority: Ministry of Defence
Address: Whitehall
London
SW1A 2HB

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Defence (the MOD) about contracts with a specified company. By the date of this notice the MOD had not issued a substantive response to this request.
2. The Commissioner's decision is that the MOD has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MOD to take the following step to ensure compliance with the legislation.
 - The MOD must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The MOD must take this step 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

5. On 6 April 2021, the complainant wrote to the MOD and requested information in the following terms:

"I am writing to you under the Freedom Of Information Act (2000) to request that you please inform me of any current, and specifically new contracts signed between yourselves and the company Palantir Technologies.

If possible I'd like to know about any work undertaken, new contracts, and as-yet unpublished work from the start of 2020 through to present with any relevant body under your control.

It has come to light, through independent investigations and through previous reporting from a number of outlets, that Palantir have just begun new work and have been issued a number of new contracts, specifically with the MoD, one of which being a £4m spend with the SDA, which I also currently have an active FOI with yourselves about, but this request is to ask you to please make available to me the details, with accompanying contracts if possible, of any and all work current work ongoing or newly signed between yourselves and Palantir."

6. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 10 June 2021 to complain about the MOD's failure to respond to their request.
8. The Commissioner has considered whether the MOD has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states that:

"Any person making a request for information 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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
11. On 8 July 2021 the Commissioner wrote to the MOD, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. On 20 July 2021 the MOD wrote to the Commissioner to request a time extension to provide the response. The Commissioner agreed to a final deadline of 4 August 2021.
13. Despite this extension the MOD has failed to respond to the complainant.
14. From the evidence provided to the Commissioner in this case, it is clear that the MOD did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MOD has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

16. 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.
17. 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

**Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**