

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 September 2021

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall  
London  
SW1A 2AS

#### Decision (including any steps ordered)

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1. The complainant requested information from the Cabinet Office relating to a review of the refurbishment of the Prime Minister's private accommodation at Downing Street.
2. The Commissioner's decision is that the Cabinet Office failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. A response has subsequently been provided and no steps are required.

#### Request and response

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4. On 12 May 2021, the complainant wrote to the Cabinet Office and requested information in the following terms:

*"On 26 April 2021, the Cabinet Secretary [name redacted] told the Public Administration and Constitutional Affairs Committee that the Prime Minister had asked him to conduct a review of how the refurbishment of his private accommodation at Downing Street had been paid for.*

*When the scoping of that review is concluded (if not concluded already), I would like to know:*

- (a) *The terms of reference.*

- (b) *The staff and other resources allocated to the review. (I am assuming that the Cabinet Secretary is not literally carrying out all aspects of the review himself.)*

*I do not expect you to itemize resource allocation in these terms but it would seem to me that activities carried out would include scoping the review; drafting and finalizing terms of reference; calling for and examining records; conducting interviews (if any); analysing the evidence; taking legal and other expert advice (if necessary); and drafting, consulting on, and agreeing a final report.*

*In terms of staff resources please ensure the information includes projected staff costs including the estimated cost of [name redacted] time (you do not have to identify this separately).*

*Staff resources in other departments (e.g. the Government Legal Department) may be used. Please state whether or not the figures you provide relate solely to Cabinet Office resources.*

*There will be opportunity costs. I do not expect you to provide estimates of these.*

- (c) *When the review is expected to conclude. [Name redacted] told the Committee that the review would take "a matter of weeks". Now that two weeks have passed his team will have a clearer view of when they will be in a position to report.*

*If during the time it takes you to respond to this FOI request the review is concluded, it would be acceptable to me for you to answer (b) in terms of actual resources spent rather than resource allocation and projected expenditure (please just be clear which you are providing)."*

5. The Cabinet Office wrote to the complainant on 12 May 2021 to acknowledge the request.
6. On 11 June 2021, as the complainant had not received a response, he wrote to the Cabinet Office to ask for an update on the status of his complaint.
7. The Cabinet Office wrote to the complainant on 11 June 2021 to provide him with an update on the status of his request.

8. On 21 June 2021 and 16 July 2021, the complainant wrote to the Cabinet Office to complain about the Cabinet Office's delay in responding to his request.
9. The complainant contacted the Commissioner on 23 August 2021 to complain about the Cabinet Office's failure to respond to his request.
10. On 3 September 2021, the Cabinet Office responded to the complainant's information request.

### **Scope of the case**

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11. The complainant contacted the Commissioner on 7 September 2021 to request a decision notice considering the Cabinet Office's compliance with the FOIA.
12. The scope of this notice and the following analysis is to consider whether the Cabinet Office has complied with section 10 of the FOIA.

### **Reasons for decision**

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13. Section 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.*
14. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
  15. The Cabinet Office did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Cabinet Office has breached section 10 of the FOIA.

## **Right of appeal**

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

17. 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.
18. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**