

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 October 2022

Public Authority: Department for Business, Energy & Industrial Strategy

Address: 1 Victoria St, London SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information about the 43 Stakeholders who took part in a consultation concerned with a report on The Register of People with Significant Control (PSC Register). By the date of this notice the Department for Business, Energy & Industrial Strategy (BEIS) had not issued a substantive response to this request.
2. The Commissioner's decision is that BEIS has breached section 10(1) of 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 BEIS to take the following step to ensure compliance with the legislation.
 - BEIS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. BEIS 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 4 March 2022, the complainant wrote to BEIS and requested information in the following terms:

"I was asked to reduce my request with regard to the following consultations. I specify hereby the responses which I would like to request.

“The Register of People with Significant Control (PSC Register): Understanding the new requirements, recording control on the PSC register and protecting people at serious risk of harm” (Department for Business Innovation & Skills, October – December 2014)

In order to make a selection, would it be possible to make available the list of 43 stakeholders who participated in the consultation? I cannot seem to find it online, as there does not seem to be a results report:

<https://www.gov.uk/government/consultations/company-ownership-and-control-discussion-paper-on-a-public-central-register>

“The Register of People with Significant Control: Scope, nature and extent of control, fees, the protection regime and warning and restrictions notices” (Department of Business, Innovation and Skills, June-July 2015)

Responses from: (15 out of 44 submissions)

Alternative Investment Management Association (AIMA)

Association of British Insurers (ABI)

Association of Company Registration Agents (ACRA)

Association of Investment Companies (AIC)

British Banking Association (BBA)

British Private Equity and Venture Capital Association (BVCA)

Christian Aid, Global Witness, ONE and Publish What You Pay UK

City of London Law Society - Company Law Committee

Deloitte LLP

DLA Piper LLP

Institute of Chartered Accountants in England and Wales (ICAEW)

Institute of Chartered Secretaries and Administrators (ICSA)

Law Society - Company Law Committee and the Anti-Money Laundering Task Force

Society of Trust and Estate Practitioners (STEP)

Transparency International”

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

Scope of the case

7. The complainant contacted the Commissioner on 22 August 2022 to complain about BEIS’ failure to respond to their request.
8. The Commissioner has considered whether BEIS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of 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 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 28 August 2022 the Commissioner wrote to BEIS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
12. Despite this intervention BEIS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with FOIA. The Commissioner finds that BEIS 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 FOIA.

Right of appeal

14. 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

15. 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.
16. 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
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