

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2024

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested various information in respect of a return flight the then Prime Minister took from London Stanstead airport to Valley Anglesey on a specified date. The Cabinet Office provided some information, but refused to provide details of the cost of hiring the plane, citing section 22 (information intended for future publication) FOIA. During the course of the Commissioner's investigation the Cabinet Office disclosed the withheld information. The Commissioner has recorded a breach of section 10(1) (time for compliance) FOIA as a result of the Cabinet Office failure to provide the information within the statutory timescales specified under the FOIA.
2. The Commissioner does not require any steps

Request and response

3. On 2 February 2022, the complainant wrote to the Cabinet Office and requested the following information:

"On 27 January 2022, the Prime Minister travelled by plane (Airbus A321-253NX – call sign AWC645) from London Stanstead to Valley Anglesey and returned by plane later that day...

Could you please tell me:

- a) the cost of hiring the plane for this return journey on that day;

b) an estimate of the Carbon emissions emitted as a result of that journey.”

4. The Cabinet Office responded on 1 March 2022. It confirmed that it held the requested information. However, it refused to provide the information in respect of item (a) of the request citing section 22 FOIA on the basis that:

“...in accordance with the Government’s commitment to transparency, information regarding international Ministerial travel is published on a quarterly basis”

and would be published in a ‘forthcoming transparency return’.

In respect of item (b) the Cabinet Office provided estimated details of the Carbon emissions for the flight.

5. The complainant contacted the Cabinet Office on the same date pointing out that their request was not for details of an international flight, but a domestic flight between England and Wales.
6. Following an internal review, the Cabinet Office wrote to the complainant on 23 June 2023. It upheld its original position and stated that:

“It has been stated that domestic flight data for 2021-22 is intended for future publication.”

Scope of the case

7. The complainant contacted the Commissioner on 9 June 2022 to complain about the way their request for information had been handled.
8. As previously stated, during the course of the Commissioner’s investigation, the Cabinet Office disclosed the outstanding information. However, the complainant is dissatisfied with the delay in receiving this information.
9. As the Cabinet Office has now disclosed the remaining information relevant to this request, he will not consider the Cabinet Office’s reliance on section 22 FOIA. The scope of his investigation will be to consider whether the Cabinet Office has complied with its obligations under section 10(1) FOIA.

Reasons for decision

Section 10(1) – time for compliance with request

10. Section 10 of the FOIA states that, 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.
11. In this case the complainant submitted their request for information on 2 February 2022. The Cabinet Office initially withheld item (a) of the requested information under section 22 FOIA. During the Commissioner's investigation, the Cabinet Office withdrew its reliance on section 22 and provided the information requested.
12. In failing to provide the information within the statutory time for compliance, the Commissioner finds that the Cabinet Office breached section 10(1) of the FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Catherine Dickenson
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF