

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 October 2014

Public Authority: The Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Complainant: Mr Owen Boswarva
Address: owen.boswarva@gmail.com

Decision (including any steps ordered)

1. The complainant has requested information about correspondence and meetings between the Cabinet Office and the Charity Commission in relation to the open data release of register data. By the date of the decision notice the Cabinet Office had yet to provide a substantive response to this request. The Information Commissioner's decision is that the Cabinet Office breached section 10 of the FOIA as it has failed to provide a response to the request.
2. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation:
 - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
3. The public authority must take these steps 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

4. On 28 May 2014, the complainant wrote to the Cabinet Office and requested information in the following terms:

1. *"Copies of any correspondence between the Cabinet Office and the Charity Commission (on or after 1 January 2013) that pertains to open data release of Register data.*
2. *The dates of any meetings between Cabinet Office officials and Charity Commission staff (on or after 1 January 2013) at which open data release of Register data was discussed, along with any minutes or notes made of those meetings".*
5. The complainant received an acknowledgement from the Cabinet Office on 28 May 2014.
6. Having heard nothing further, the complainant sent a further email to the Cabinet Office on 27 June 2014 enquiring when he would receive a response. In the absence of any further communication from the Cabinet Office, the complainant sent a request for an internal review on 7 July 2014. To date the Cabinet Office has not responded.

Scope of the case

7. The complainant contacted the Commissioner on 7 August 2014 to complain about the way his request for information had been handled. Specifically that the Cabinet Office had not provided a substantive response to his information request.
8. The Commissioner considers the scope of this case to be to determine whether the Cabinet Office issued a response to the request in accordance with its statutory obligations under FOIA.

Reasons for decision

9. Section 1(1) of FOIA states that:
 - 1(1) *Any person making a request 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 comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
11. The Commissioner's decision is that the Cabinet Office did not deal with the request for information in accordance with the FOIA. It breached

section 10(1) of the FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days. The Cabinet Office is now formally required by the Commissioner to respond to the request of 28 May 2014.

Right of appeal

12. 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

13. 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.
14. 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
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Wilmslow
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