

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 6 March 2024

Public Authority: HM Treasury
Address: 1 Horse Guards Road
London
SW1A 2HQ

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-268009-V2M5, for a decision whether a request for information made by the complainant to HM Treasury on 8 August 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to HM Treasury on 16 February 2024, setting a 10 working day deadline, for it to either consider informally resolving the case, through disclosure of a narrowed scope of the requested information, as put forward by the complainant, or for it to provide its submissions regarding its application of section 14(1) of FOIA to the request.
3. The Commissioner received no acknowledgement or response to this correspondence by the 10 working day deadline. Therefore he wrote to HM Treasury again on 5 March 2024 to chase the matter.
4. HM Treasury responded on 6 March 2024, explaining why it had failed to provide a substantive response so far, and requested a 20 working day extension to the deadline to provide its full response to the Commissioner. The Commissioner has determined that such a lengthy extension cannot be granted without a definitive backstop.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that HM Treasury shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:-
 - A substantive response to all questions set out in his letter of 16 February 2024.

Failure to comply

6. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Michael Lea
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