

Freedom of Information Act 2000 (Section 51) Information notice

Date:	4 July 2022
Public Authority:	Health and Safety Executive
Address:	Redgrave Court
	Merton Road
	Bootle
	Merseyside
	L20 7HS

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

 The Commissioner has received an application under section 50, reference [IC-123372-N6H0], for a decision whether a request for information made by the complainant to the Health and Safety Executive on 5 June 2021, has been dealt with in accordance with the requirements of Part I of FOIA.



Nature of complaint

2. On 5 June 2021 the complainant requested the following information under FOIA:

"Dear Sirs,

The following request relates to non-personal data only.

Please provide an excel/CSV export of the F10 Notifications database since 1/1/2016, including the following information for each notification:

- Date of Submission
- Local Authority Name
- Geographical Area
- Client Organisation Name
- Client Organisation Address & Postcode
- Principal Designer Organisation Name
- Principal Designer Address & Postcode
- Principal Contractor Organisation Name
- Principal Contractor Address & Postcode
- Organisation Name, Address and Postcode for any other Designers and Contractors notified
- Site Address, Street & Postcode
- Type of Project
- Project Category
- Total weeks allocated for construction work (under reg 4(1))
- Construction Phase Planned Start Date
- Construction Phase Planned End Date
- Maximum planned number of people on site
- Maximum planned number of contractors on site

NB: Excluding:

Any personal information – Please ONLY provide details where an organisation's name includes the word "Ltd", "plc", "LLP" or "Limited". We do not seek any personal information."

- 3. On 28 June 2021 the Health and Safety Executive (HSE) responded, refusing to comply with the request in accordance with section 14(1) (vexatious requests) of FOIA.
- 4. The complainant requested an internal review on the same day. Despite intervention from the Commissioner, it appears that the HSE has failed to conduct an internal review into the handling of the request.
- 5. On 25 April 2022 the Commissioner wrote to the HSE and requested its submissions as to why section 14(1) applies. The Commissioner asked that this information was provided by 24 May 2022.



- 6. On 26 May 2022 the Commissioner had not received the information required so chased this matter with the HSE. He asked that the information was provided by 13 June 2022.
- 7. On 16 June 2022 the Commissioner had not received the information required so chased this matter again. He asked that this information was provided by 30 June 2022.
- 8. At the date of this notice, the Commissioner had still not received the information requested.

Information required

- 9. 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 the Health and Safety Executive shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - An answer to all of the Commissioner's questions in his original scoping letter of 25 April 2022.

Failure to comply

 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

11. 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: <u>grc@Justice.gov.uk</u> Website: <u>www.justice.gov.uk/tribunals/general-regulatory-</u> <u>chamber</u>

12. 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.

Signed

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