

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 14 February 2023

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

#### **Section 51**

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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**

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1. The Commissioner has received an application under section 50, reference IC-156772-D2G0, for a decision whether a request for information made by the complainant to HM Treasury on 1 December 2021, has been dealt with in accordance with the requirements of section 50 of FOIA.

#### **Nature of complaint**

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2. The Commissioner wrote to HM Treasury on 13 September 2022, inviting it to provide its submissions in respect of the complaint.
3. HM Treasury responded on 23 September 2022 advising that it would provide a new response to the complainant as soon as possible. It provided the revised response on 10 October 2022.
4. The complainant expressed dissatisfaction with the revised response so the Commissioner wrote to HM Treasury again on 11 November 2022, requesting that it provide its submissions in respect of the complaint.
5. To date, HM Treasury has not provided a response to the Commissioner in relation to this request.
6. As HM Treasury has failed to provide any response to the Commissioner, a formal legal deadline for it to provide its response has been imposed.

### **Information required**

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7. 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 the questions posed in the Commissioner's letter dated 10 November 2022.

### **Failure to comply**

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8. 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

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9. 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](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

10. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**