

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 25 July 2022

**Public Authority:** Department for Transport  
**Address:** Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

#### **Decision (including any steps ordered)**

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1. The complainant requested information about Sustrans, and recent revisions to the Highway Code. By the date of this notice the Department for Transport ("the DfT") had not issued a substantive response to this request.
2. The Commissioner's decision is that the DfT has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the DfT to take the following step to ensure compliance with the legislation.
  - The DfT must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The DfT must take this step 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 13 May 2022, the complainant wrote to the DfT and requested information in the following terms:
- "1. What legal status do Sustrans have that allows them to erect signs on the highway, often in violation of local bylaws?
  - 2. How much money was paid to 'Phil Jones Associates' or [NAME PROVIDED] directly for their/his role in LTN 1/20 AND the recent revisions to the highway code?
  - 3. If you have records of any other payments have been made by the dft to 'Phil Jones Associates' please enumerate them."
6. The DfT did not acknowledge the request. To date, a substantive response has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 30 June 2022 to complain about the DfT's failure to respond to their request.
8. The Commissioner has considered whether the DfT has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## Reasons for decision

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9. Section 1(1) of FOIA states that:
- "Any person making a request for information 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 FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

11. On 6 July 2022 the Commissioner wrote to the DfT, reminding it of its responsibilities, providing a copy of the request and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the DfT has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the DfT did not deal with the request for information in accordance with FOIA. The Commissioner finds that the DfT has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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14. 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](mailto:grc@justice.gov.uk)

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

15. 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.
16. 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 .....**

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