

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 July 2022

Public Authority: Ministry of Defence
Address: Main Building
Whitehall
London
SW1A 2HB
United Kingdom

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Defence (MOD) about the evacuation of Nowzad staff, cats and/or dogs from Afghanistan.
2. The Commissioner's decision is that MOD breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 11 April 2022, following advice from MOD to refine an earlier request for information, the complainant made the following request for information:

" Based on your guidance, I am happy to:

2.) With regards to question 2 exclude members of the public, and limit the request to government officials and Nowzad staff.

3.) Limit the request to meetings at which Nowzad staff attended. Timespan is 15 – 28 August 2021."

4. MOD responded to the request for information on 23 June 2022.

Scope of the case

5. The complainant contacted the Commissioner on 19 July 2022 to complain about delays in MOD's handling of the request which involved a failure to respond within the statutory time frame of FOIA.
6. The Commissioner has considered whether MOD has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

7. 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.”
8. 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”.
9. From the evidence provided to the Commissioner in this case, it is clear that MOD did not deal with the request for information in accordance with FOIA. The Commissioner finds that MOD has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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@hmcts.gsi.gov.uk>

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. 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
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Water Lane
Wilmslow
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