

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

### **Information notice**

**Date:** 16 May 2022

**Public Authority:** Ministry of Defence  
**Address:** Whitehall  
London  
SW1A 2HB

#### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 the Act.

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in this Act 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-101246-W9N8, for a decision whether a request for information made by the complainant to the Ministry of Defence ("the MoD") on 26 August 2020, has been dealt with in accordance with the requirements of Part I of the Act.

## **Nature of complaint**

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2. On 28 February 2022, the Commissioner wrote to the MoD asking for it to provide a submission in support of its position. He asked for the submission to be provided by 28 March 2022.
3. On 28 March 2022, the MoD responded and explained that, due to capacity issues, it was unable to provide its submission. It asked the Commissioner to grant an extension until 6 May 2022. The Commissioner agreed to allow the extension but made clear to the MoD that, because of the long extension, any response should be a full and final response and that the MoD should not expect to be allowed further opportunities to clarify its stance.
4. The MoD contacted the Commissioner on 4 May 2022 to say that it was unlikely to meet the revised deadline, but would provide the Commissioner with an update on that date. No further update was provided.
5. The Commissioner wrote to the MoD on 9 May 2022, noting the length of time since the request had been submitted. He made clear that, if the submission was not forthcoming by the end of the week, he intended to serve an information notice. The MoD did not respond to this correspondence and had not provided its submission at the date of this notice.

## **Information required**

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6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that the MoD 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 numbered questions in the Commissioner's letter of 28 February 2022.

## **Failure to comply**

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7. 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 the Act, and may be dealt with as a contempt of court.

## Right of appeal

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8. 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)

9. 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 .....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**