

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

### **Information notice**

**Date:** 24 November 2022

**Public Authority:** Maritime and Coastguard Agency (Executive Agency of the Department for Transport)

**Address:** Spring Place  
Commercial Road  
Southampton  
SO15 1EG

### **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-190947-K6W7, for a decision whether a request for information made by the complainant to the above public authority ("the public authority") on 11 July 2022, has been dealt with in accordance with the requirements of Part I of the Act.

## **Nature of complaint**

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2. The Commissioner wrote to the public authority on 12 October 2022 to ask it to provide an unredacted copy of the information being withheld and for its formal submissions as to why the cited exemptions had been correctly applied. He asked for a response by 9 November 2022.
3. On 9 November 2022, the public authority contacted the Commissioner about several related cases. It noted that its response to the above complaint was due that day, but asked for the deadline to be extended by an undefined length.
4. As of the date of this notice, the Commissioner has not received any further correspondence from the public authority in respect of this complaint and he now considers it appropriate to exercise his formal regulatory powers.

## **Information required**

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5. 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 public authority shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - An unredacted version of any information withheld. This copy should be clearly marked to indicate which of the cited exemptions has been applied to which information.
  - A substantive response to the numbered questions in the Commissioner's letter of 9 November 2022 (fresh copy attached)

## **Failure to comply**

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6. 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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7. 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)

8. 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**