

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 11 January 2023

Public Authority: Foreign, Commonwealth and Development Office
Address: King Charles Street
London
SW1A 2AH

Section 51

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

1. The Commissioner has received an application under section 50, reference, for a decision whether a request for information made by the complainant to the above public authority on 22 September 2021, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The Commissioner informed the public authority on 15 January 2022 that he had accepted the complaint, that it would be allocated in due course and that he expected the public authority to use the time prior to allocation to ensure that it was ready for the investigation, once the complaint was allocated.
3. The Commissioner wrote to the public authority again on 11 October 2022, noting that the complaint was due to be allocated shortly, asking for a copy of the withheld information, as well as answers to the standard questions relevant to the exemptions being relied upon, within 20 working days. This correspondence was neither acknowledged nor responded to.
4. On 28 November 2022, the Commissioner sent a further letter again asking for copies of the withheld information and responses to his standard investigation questions. He also added some more specific questions pertinent to the particular case. He asked for a response within 10 working days. This correspondence was neither acknowledged nor responded to.
5. On 13 December 2022, the Commissioner chased the public authority, noting that the response was overdue. The public authority did respond on this occasion and asked for a further 20 working days in which to provide a response – this was agreed to.
6. On 10 January 2023, the public authority contacted the Commissioner again and asked for a further 15 working days in which to provide its response.
7. In view of the age of this case, the Commissioner now considers it appropriate to set a hard deadline – though he notes that this has the effect of granting the public authority an additional 8 working days over and above what was requested.

Information required

8. 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:
- Copies of any information being withheld
 - A substantive response to his letter of 28 November 2022

Failure to comply

9. 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

10. 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

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

11. 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