

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 21 March 2024

Public Authority: UK Health Security Agency
Address: Wellington House
133-155 Waterloo Road
London
SE1 8UG

Section 51

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

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in FOIA 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 IC-268043-K0S9, for a decision whether a request for information made by the complainant to UK Health Security Agency on 4 August 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to UK Health Security Agency ('UKHSA') on 7 February 2024, instructing it to provide its submissions in respect of the complaint.
3. On 21 February 2024, UKHSA contacted the Commissioner to request a short extension and the Commissioner agreed.
4. On 29 February 2024, UKHSA contacted the Commissioner to advise that it was no longer relying on section 40 of FOIA and intended to disclose the requested information. It explained that the revised response to the complainant was being prepared and would need to be signed off prior to issue.
5. UKHSA has provided regular updates to the Commissioner, but it has met with some challenges in achieving approval to disclose the requested information. Therefore, to date, UKHSA has not provided a fresh response in relation to this request.
6. As UKHSA has failed to provide a response to either the complainant or the Commissioner, a formal legal deadline for it to provide its revised response has been imposed.

Information required

7. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that UKHSA shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A copy of the information intended for disclosure.
 - If, on reconsideration, UKHSA intends to withhold the information, it should provide a full submission explaining the exemption relied on and justify its reliance with reference to the relevant key questions.

Failure to comply

8. 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 FOIA, and may be dealt with as a contempt of court.

Right of appeal

9. 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

10. 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

Keeley Christine
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF