

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 1 July 2024

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

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-288989-F5C2, for a decision whether a request for information made by the complainant to the Home Office on 17 May 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 17 May 2023, the complainant made the following request for information under FOIA:

“Would you please let CFI have the completed Assessment of a Request for Prospective Authorisation of a Regulatory In Vivo Test (or equivalent document) in respect of each of the project licences granted for testing on animals substances used in cosmetics products since (and including) February 2019? This follows the change to the Home Office policy for cosmetics animal testing in that month and the request relates to licences granted under the changed policy.

Dr Chandler exhibited one such assessment to her witness statement dated 19 January 2023 in the recent judicial review (but it was almost completely redacted); and documents disclosed in the case referred to other cases where a licence had been granted (see, for example, pages 1183-1186 of the agreed bundle for the hearing on 18 and 19 January 2023).

There should be no difficulty in identifying the assessments but do let me know if you think the request needs to be more focused.

CFI is of course aware of section 24 ASPA. However, as you know this can only apply in respect of information given to (inter alia) the Home Office, not to information the department has itself generated.

The information can be provided in anonymised form”.

3. The Home Office responded on 11 July 2023 and provided some information within the scope of the request. It refused to provide the remainder citing sections 44(1), 40(2) and 38(1) of FOIA.
4. The complainant requested an internal review on 21 August 2023, reiterating that personal information could be redacted.
5. The Home Office provided an internal review on 6 December 2023 in which it maintained its position.
6. On 16 February 2024, the complainant wrote to the Commissioner to complain about the response.

7. On 21 May 2024, the Commissioner wrote to the Home Office raising various queries to assist with his investigation.
8. On 19 June 2024, the Home Office wrote to the Commissioner asking for a "short extension to Wednesday 26 June" in which to collate its response; this was agreed with the caveat that an Information Notice would be issued in the event that the revised date was not met.
9. On 26 June 2024, the Home Office wrote to the Commissioner and provided a copy of the withheld information. However, it required until 28 June 2024 to provide a full response to his enquiries. At the time of writing this notice, this has not been received.

Information required

10. 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 Home Office shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information.
11. The Home Office is required to fully respond to the email which he sent to it on 21 May 2024.

Failure to comply

12. 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

13. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

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

14. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF