

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 July 2018

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested information relating to the HSE's voluntary exit scheme held by the Cabinet Office.
2. The Commissioner's decision is that the Cabinet Office failed to respond to the request within 20 working days and has therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The Cabinet Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 11 April 2018, the complainant wrote to a particular employee of the Cabinet Office and requested information in the following terms:

"Any data held relating to HSE's (the Health and Safety Executive) voluntary exit scheme from 2017, including the original information and correspondence held regarding the initial approval for the scheme (in 2016), scheme identifier, and all data relating to the review which took place following the judicial review and deemed illegality of the

2016 CSCS scheme (including drafts and any requests for or provision of advice)."

6. The Cabinet Office's main FOI team acknowledged the request on 12 April 2018 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 14 June 2018 to complain about the failure, by the Cabinet Office, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Cabinet Office on 21 June 2018 to highlight the outstanding response. She requested that the Cabinet Office respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The Complainant contacted the Commissioner on 17 July 2018 to note that the response was still outstanding.
10. The Commissioner is of the opinion that, as a response remains outstanding despite her intervention, a Decision Notice considering the Cabinet Office's compliance with Section 10 of the FOIA is appropriate in this case

Reasons for decision

11. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*

- (b) states the name of the applicant and an address for correspondence, and*
 - (c) describes the information requested.*
- 13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
- 14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
- 15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Cabinet Office has breached Section 10 of the FOIA.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may 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@hmcts.gsi.gov.uk

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

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Ben Tomes
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