

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 July 2023

**Public Authority:** Health and Safety Executive  
**Address:** Knowledge Centre  
1G Redgrave Court  
Merton Road  
Bootle  
L20 7HS

#### **Decision (including any steps ordered)**

---

1. The complainant requested information about high containment labs in Britain. By the date of this notice the Health and Safety Executive (“the HSE”) had not issued a substantive response to this request.
2. The Commissioner’s decision is that the HSE has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the HSE to take the following step to ensure compliance with the legislation.
  - The HSE must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The HSE must take this step 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 FOIA and may be dealt with as a contempt of court.

#### **Request and response**

---

5. On 21 April 2023, the complainant wrote to the HSE and requested information in the following terms:

"Can you send me a list of accidents or near issues reported to, or investigated by the HSE at high containment labs in Britain since 2010.

Can you send me a list of accidents or near misses reported to, or investigated by the HSE at high containment labs in Britain between 2010 and 2020.

How many labs are operating at BSL-3? Can you send me a list of these labs.

How many labs are operating at BSL3+ and BSL-4? Can you send me a list of these labs."

6. The HSE acknowledged the request on the same date. To date, a substantive response has not been issued.

## Reasons for decision

---

7. Section 1(1) of 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."

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

9. On 23 June 2023 the Commissioner wrote to the HSE, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

10. Despite this intervention, the HSE has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the HSE did not deal with the request for information in accordance

with FOIA. The Commissioner finds that the HSE has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

---

12. 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: 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)

13. 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.
14. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**