

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 March 2024

Public Authority: Department for Science, Innovation and Technology

Address: 100 Parliament Street
London
SW1A 2BQ

Decision (including any steps ordered)

1. The complainant requested information from the Department for Science, Innovation and Technology (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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 20 January 2024, the complainant wrote to the public authority and requested information in the following terms:

“Information held on studies of 'choice architecture' (see Wikipedia link for reference: https://en.wikipedia.org/wiki/Choice_arc...), either commissioned, conducted or used by your Department, with regards to industries, sectors, areas, activities etc. that your Department has responsibility for.

Please do not hesitate to reach out to me if any aspect of my request requires clarification.”

6. The public authority wrote to the complainant on 25 January 2024, advising that the current scope of the information request would likely be considered too broad for it to be able to respond appropriately. It requested that the complainant clarify which area of the public authority the requested information was being sought from.

7. The complainant clarified their information request on 2 February 2024 in the following terms:

“Thanks for seeking clarification and, while I don't know the structure of DSIT or where such studies might sit, my first attempt at refining this request would be to request a search amongst your scientific and analytical community / areas.”

Reasons for decision

8. 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.”

9. 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”.

10. On 9 March 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. Despite this intervention the public authority has failed to respond to the complainant.
12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

13. 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

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

14. 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.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Roger Cawthorne
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF