

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 November 2024

Public Authority: The National Archives

Address: Kew
Richmond
Surrey
TW9 4DU

1. Request:

The complainant requested the following information from the National Archives (TNA) on 22 August 2024:

"I'm making an FOI request for copies of all internal communications relating to the following items on the summary (including e-mail correspondence) of the Reclosure Panel:

MEPO 10/35

MEPO 2/2828

MEPO 2/2832

MEPO 3/557

MEPO 3/558

MEPO 38/150

MEPO 38/151

MEPO 38/182

PREM 13/2903

PREM 15/1897

The information requested refers to decisions that have already been made and actioned so section 36 does not apply.”

2. Commissioner’s Decision:

Section 10(1) of FOIA states that a public authority must respond to a request within 20 working days. Section 17(3) of FOIA states that where a public authority is relying on a qualified exemption, it can have a “reasonable” extension of time to consider the public interest in maintaining the exemption or disclosing the information. TNA has cited section 17(3) as the reason for its delayed response.

The section 45 Code of Practice states that usually the extension should be no more than a further 20 working days.¹ This means that the total time spent responding to a request should not exceed 40 working days unless there are exceptional circumstances.

The Commissioner does not consider there to be any exceptional circumstances and finds that, by failing to respond to the request within a reasonable time frame, the public authority has breached section 17(3) of FOIA.

3. Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 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.

4. Right of Appeal:

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:

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
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Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

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

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF