

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 21 August 2019

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act 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 FS50842753, for a decision whether a request for information made by the complainant to the Cabinet Office on 16 September 2018 has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant submitted the following request to the Cabinet Office on 16 September 2018:

“Please would you let me know in writing if you hold information of the following description:

At the Cabinet meeting at Chequers on July 6 2018, the contributions made by David Davis and Boris Johnson.

Please may I see the information.

If you need further details in order to identify the information requested or a fee is payable please let me know as soon as possible.

If you are of the view that there may be further information of the kind requested but it is held by another public authority please let me know as soon as possible...”

3. The Cabinet Office’s response was issued on 10 April 2019. It confirmed that it held the requested information which it withheld relying on the exemptions at sections 35(1)(a) and (b), 27(1)(a), (b) and (d) of the Act.
4. The complainant requested an internal review of this decision on 10 April 2019.
5. On 10 May 2019 the Cabinet Office wrote to the complainant with details of the outcome of the internal review. The review upheld the original decision.
6. The Commissioner wrote to the Cabinet Office on 9 July 2019 further to the complainant’s application under section 50 of the Act.
7. On 12 August 2019, having not received the Cabinet Office’s response, the Commissioner asked the Cabinet Office to forward its full response to her enquiries by close of business on 12 August 2019.
8. On 16 August 2019, the Commissioner telephoned the Cabinet Office to chase its response to her enquiries having not received it by that date. The telephone number she called rang out.
9. To date, the Commissioner has not received the Cabinet Office’s response to her enquiries.

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 she requires that the Cabinet Office shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
11. The Cabinet Office's full response to her correspondence of 9 July 2019.
12. A copy of the correspondence is attached.

Failure to comply

13. 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

14. 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

15. 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

Terna Waya
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
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