

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 29 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 FS50811968, for a decision whether a request for information made by the complainant to the Cabinet Office on 24 August 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 24 August 2018:

"Please send me copies of all the minutes of the Cabinet Sub-Committee on Devolution for Scotland, Wales and the Regions for 1997 and 1998."

3. On 18 September 2018 the Cabinet Office responded with a refusal notice in reliance of sections 35(1)(a) & (b).
4. The complainant requested an internal review on 18 September 2018 which the Cabinet Office acknowledged the following day (19 September 2018). The review was provided on 10 December 2018 after 58 working days.
5. The complainant contacted the Commissioner on 4 January 2019 to complain about the Cabinet Office's handling of his complaint.
6. On 21 January 2019 the Commissioner wrote to the Cabinet Office advising that she had accepted the complaint for further consideration.
7. On 15 May 2019 the Commissioner wrote advising that she would be taking forward the complaint and to prepare for her letter requesting submissions.
8. On 20 May 2019 the Commissioner wrote asking for the Cabinet Office's submissions on this case. She requested the submission and withheld information by 18 June 2019.
9. In the absence of an acknowledgement or response the Commissioner wrote on 2 July 2019 requesting the submission which was overdue.
10. On 18 July and again on 30 July the Commissioner chased a response to her correspondence. None was forthcoming.
11. As of the date of this Notice the Cabinet Office has failed to respond to in any way to the Commissioner.

Information required

12. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her 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.
 - The submission in support of its refusal to provided the complainant with the requested information.
 - The withheld information in the scope of the request.

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

Susan Hughes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF