

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 December 2019

Public Authority: Department of Health and Social Care
Address: 39 Victoria Street
London
SW1H 0EU

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 FS50836823, for a decision whether a request for information made by the complainant to the Department of Health and Social Care (DHSC) on 25 January 2019, 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 DHSC on 25 January 2019:

"a) Copies of all correspondence between Jane Ellison and The Scottish Executive and/or The Scottish Government relating to the Penrose Inquiry during 2015."

3. The DHSC's response was issued on 22 March 2019, 39 working days after the statutory time for compliance. It applied section 12 and refused to comply with the request, aggregating the costs with seven other requests for information.
4. The complainant requested an internal review of this decision on 25 March 2019.
5. On 9 April 2019 the DHSC 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 DHSC on 15 August 2019 further to the complainant's application under section 50 of the Act.
7. On 17 September 2019 the DHSC responded to the Commissioner's enquiries.
8. On 30 September 2019 the Commissioner wrote to the DHSC for further information.
9. DHSC asked for three extensions from October to November, which the Commissioner granted.
10. To date, the Commissioner has not received the DHSC's response to her enquiries.

Information required

11. 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 DHSC shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
12. A full response to her letter dated 30 September 2019, excluding the information provided in DHSC's correspondence to the Commissioner dated 2 December 2019 that partially answered her first question.

13. A copy of the correspondence is attached.

Failure to comply

14. 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

15. 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

16. 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

Pamela Clements
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF