

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 August 2021

Public Authority: Public Health England
Address: Wellington House
133-155 Waterloo Road
London
SE1 8UG

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 IC-94466-Q1V8, for a decision whether a request for information made by the complainant to Public Health England ("PHE") on 9 February 2021, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The Commissioner originally wrote to PHE on 24 May 2021, asking it to explain its use of the section 24 exemption to withhold information. PHE requested an extension of two weeks to provide its submission – which was granted.
3. On 6 July 2021, PHE responded to the complainant and disclosed a redacted copy of the requested information. It continued to rely on section 24 to withhold some information.
4. On 13 July 2021, the Commissioner wrote to PHE to notify it that the complainant was not satisfied with the redactions. She asked PHE to provide its submission and a copy of the withheld information by 27 July 2021. PHE provided a submission on that date, but did not provide a copy of the withheld information.
5. The Commissioner wrote to PHE again on 28 July 2021, thanking it for its submission but pointing out that she also required a copy of the withheld information and asked for it to be provided “at the earliest opportunity.” PHE acknowledged the correspondence but had failed to provide a copy of the withheld information at the date of this notice.

Information required

6. 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 PHE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - An un-redacted copy of the Exercise Typhon report.

Failure to comply

7. 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

8. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

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

9. 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

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