

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 11 January 2022

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 him with any information he requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

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

he 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-106206-N2P2, for a decision whether a request for information made by the complainant to the Department of Health and Social Care ("the DHSC") on 3 November 2020, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant in this case has disputed the DHSC's use of exemptions to withhold the requested information.
3. The Commissioner opened his investigation in October 2021, asking the DHSC to provide its submission and copies of any withheld information by 17 November 2021.
4. The DHSC has requested several extensions, all of which were allowed by the Commissioner. It has responded quickly and candidly to the Commissioner's chasing but, at the date of this notice it has not provided either its submission or the withheld information. No realistic timetable for providing this information has been agreed with the Commissioner and he also notes that the DHSC has been unable to meet its own previous deadlines.
5. The Commissioner is mindful of the ongoing pressures upon the DHSC as a result of the pandemic. He is also mindful that this request was submitted over a year ago and it is therefore now necessary to set a legally-binding deadline for the DHSC to provide him with the information.

Information required

6. 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 he requires that the DHSC shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A substantive response to his letter of 20 October 2021.
 - Copies of any information within the scope of the request that the DHSC wishes to withhold.

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