

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 November 2020

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested information from the Cabinet Office about a free trial of a service provided by a private company. By the date of this notice the Cabinet Office had not issued a substantive response to this request.
2. The Commissioner's decision is that the Cabinet Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Cabinet Office to take the following step to ensure compliance with the legislation.
 - The Cabinet Office must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Cabinet Office must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 15 June 2020, the complainant wrote to the Cabinet Office and requested information in the following terms:

"I understand that Palantir Technologies previously operated a limited duration free trial for the Cabinet Office to test the viability of an analysis and reporting framework in relation to EU Exit in November/December 2019.

In light of this, I would like to request the following information:

- The start date and end date of the free trial*
- Please indicate which senior officials and ministers had oversight of this trial*
- A detailed description of what the trial was about, and please provide a detailed description of what was the outcome of such a trial*
- Copies of agreements between the Cabinet Office and Palantir Technologies in relation to the free trial*
- Documents - including briefing papers and reports - that mention, or refer to the free trial for the Cabinet Office*
- All email correspondence between the Cabinet Office and Palantir Technologies that mention, or refer to, the free trial for the Cabinet Office."*

6. The Cabinet Office acknowledged the request on 16 June 2020. On 17 July 2020, the Cabinet Office provided a reply to a different request for information. On 17 July 2020, the complainant informed the Cabinet Office that a response to their request for information therefore remained outstanding. The complainant sent further reminders about the matter to the Cabinet Office on 21 July 2020 and 10 August 2020. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 9 September 2020 to complain about the Cabinet Office's failure to respond to their request.
8. The Commissioner has considered whether the Cabinet Office has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
11. On 28 September 2020 the Commissioner wrote to the Cabinet Office, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the Cabinet Office has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Cabinet Office did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Cabinet Office has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Other matters

14. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may 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. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Ben Tomes
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