

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 27 April 2022

**Public Authority:** Department for Digital, Culture, Media and Sport (DCMS)

**Address:** 4th Floor, 100 Parliament Street  
London  
SW1A 2BQ

### **Decision (including any steps ordered)**

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1. The complainant made a request for information on 17 February 2022 relating to the DCMS Disinformation & Misinformation Unit. DCMS has failed to respond to this request.
2. The Commissioner considers that DCMS has breached section 10(1) FOIA as it has failed to respond within the statutory time for compliance.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide a response to the request in compliance with FOIA.
4. The public authority must take these steps 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**

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5. On 17 February 2022 the complainant requested information of the following description:

"I am writing to request the following information under the Freedom of Information Act, relating to the DCMS Disinformation & Misinformation Unit [also known as the DCMS Counter Disinformation Cell], specifically:  
- Copies of any contract, information sharing agreement, agreement, memorandum of understanding or similar between DCMS and any of

Facebook (and its subsidiaries), Twitter and YouTube in relation to the Disinformation & Misinformation Unit's "trusted flagger" status

- A copy of all correspondence between the DCMS Disinformation & Misinformation Unit and Facebook (and its subsidiaries), Twitter and YouTube dated Wednesday 16th December 2020.

I would like all information sent electronically please."

6. DCMS failed to respond to the complainant's request.
7. Due to the lack of response, the complainant submitted a complaint to the Information Commissioner's Office on 25 March 2022.
8. The Commissioner wrote to DCMS on 2 April 2022 reminding it of its obligations under FOIA to respond to this request.
9. DCMS failed to provide a response to the complainant or reply to the Commissioner.

### **Scope of the case**

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10. The complainant contacted the Commissioner as DCMS failed to respond to the request.
11. The Commissioner has considered whether DCMS complied with its obligations under section 10(1) FOIA in its handling of this request.

### **Reasons for decision**

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12. Section 10(1) provides that:

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

13. Section 1(1) provides 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."*

14. The original request was made on 17 February 2022 and a response is yet to be provided by DCMS. The Commissioner therefore finds that DCMS breached section 10(1) in failing to provide a response within 20 working days.

## **Right of appeal**

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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](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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.....**

**Gemma Garvey**

**Senior Case Officer**

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**