

DRAFT - PROTECT

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 12 February 2025

Public Authority: Foreign, Commonwealth & Development Office
Address: King Charles Street
London
SW1A 2AH

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), 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 FOIA.

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in FOIA 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-331804-X4D8], for a decision whether a request for information made by the complainant to the Foreign, Commonwealth & Development Office (the FCDO) on 11 February 2024, has been dealt with in accordance with the requirements of Part I of FOIA.

DRAFT - PROTECT

DRAFT - PROTECT

Nature of complaint

2. The complainant is not satisfied with the FCDO's reliance on the various exemptions relied on, namely, section 27 (international relations), section 35 (formulation and development of government policy, (section 40(2) (personal information) and section 41 (information provided in confidence) of the FOIA. They also dispute that the FCDO does not hold a copy of an internal review which they believe was conducted by the FCDO in 2018.

Information required

3. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that FCDO shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - Full arguments in support of all exemptions relied on and specified in paragraph 2 of this notice.
 - Full details and evidence of the search undertaken in respect of the internal review referred to in paragraph 2 of this notice.

Failure to comply

4. 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 FOIA, and may be dealt with as a contempt of court.

DRAFT - PROTECT

Right of appeal

5. 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

6. 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 by

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

DRAFT - PROTECT