

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 February 2025

Public Authority: Cabinet Office
Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant has requested specific files relating to Libya.
2. The Commissioner's decision is that the Cabinet Office is entitled to withhold the requested information on the basis of the following exemptions:
 - Section 23(1), information supplied by, or relating to, bodies dealing with security matters, or section 24(1), national security, in the alternative
 - Section 26(1), defence
 - Sections 27(1)(a), (b), (c) and (d), international relations
 - Section 40(2), personal data.
3. The Commissioner does however find that the Cabinet Office failed to comply with section 17(3) by not completing the public interest consideration within a reasonable timeframe.

Background information

4. The Cabinet Office provided the Commissioner with the following information as a background to the case:

"Rt Hon Margaret (later Baroness) Thatcher served as Prime Minister between 1979 and 1990. Rt Hon John (now Sir John) Major served as Prime Minister between 1990 and 1997.

Colonel Muammar Gaddafi served as chairman of the Revolutionary Council of the Libyan Arab Republic between 1969 and 1977 and *de facto* President of Libya between 1977 and 2011.

Records of the Prime Minister's Office are held at the National Archives in the PREM series. However, files PREM 19/1832, PREM 19/2297, PREM 19/3061 and PREM 19/4806 which concern relations between the UK and Libya between 17 April 1986 and 1 February 1994 have been retained by the Cabinet Office."

Request and response

5. On 23 June 2023, the complainant wrote to the Cabinet Office and requested information in the following terms:

"The following files described below pertaining to Libya internal situation and relations with UK during the second half of the 1980s and early 1990s (Thatcher and Major governments) have been closed or retained by the United Kingdom Government.

I would be grateful if consideration could be given to releasing them even in a redacted form as the vast majority of the protagonists including Mrs Thatcher and Colonel Gaddafi have passed away.

The references and information pertaining to closure status are drawn from the National Archives website.

PREM 19/4806, LIBYA. Internal situation: relations with UK; part 9 01/09/1990 to 01/02/1994 Closed Or Retained Document, Open Description Temporarily Retained by Department C10128 Middle East C16855021

PREM 19/3061 LIBYA. Libya internal situation/relations: part 8 01/04/1987- 28/08/1990 Closed Or Retained Document, Open Description Retained by Department under Section 3.4 C10128 Middle East C17071668

PREM 19/2297 LIBYA. Internal situation: relations with UK; part 7 LIBYA. Internal situation: relations with UK; part 7. 01/05/1986 to 27/02/1987 19870227 The National Archives 6 Closed Or Retained

Document, Open Description Retained by Department under Section 3.4
C10128 Middle East C16204894

PREM 19/1832 LIBYA. Internal situation: Anglo-Libyan relations; part 6.
17/04/1986-30/04/1986 The National Archives 6 Closed Or Retained
Document, Open Description Retained by Department under Section 3.4
C10128 Middle East C14568691"

6. The Cabinet Office provided interim responses stating that it needed further time to consider the request¹.
7. The Cabinet Office provided its full response on 13 March 2024. It confirmed that it held the requested information but was withholding some of it on the basis of section 23(1) or section 24(1) in the alternative and sections 27(1) and 27(2) of FOIA. For all the qualified exemptions, the Cabinet Office confirmed that it considered the balance of the public interest favoured maintaining the exemptions.
8. The Cabinet Office upheld this position at internal review, however, it acknowledged that it had failed to provide the information it could disclose originally and provided file PREM 19/4086 at this point.

Scope of the case

9. The complainant contacted the Commissioner on 3 June 2024 to complain about the handling of their request. In particular, they disputed that the Cabinet Office could not disclose further information in a redacted format due to the passage of time. They were also dissatisfied with how long the Cabinet Office took to provide its original response.
10. During the investigation, the Cabinet Office provided submissions on section 26, defence, section 41, information provided in confidence and section 40(2), personal data, in addition to the exemptions cited to the complainant. However, when the Commissioner viewed the information, he noted that none of the information was marked up as exempt under section 41(1).

¹ As confirmed by the complainant in their complaint to the Commissioner.

11. The Commissioner therefore considers that the scope of his investigation is to determine whether the Cabinet Office is entitled to rely on the following exemptions to withhold the disputed information:
- Section 23(1) or 24(1) in the alternative
 - Section 26
 - Section 27
 - Section 40
12. The Commissioner will also consider the procedural issues of the Cabinet Office's handling of the case.

Reasons for decision

Section 23(1): Information supplied by or relating to bodies dealing with security matters

Section 24(1): National security

13. Section 23(1) of FOIA provides an exemption which states that:
- "Information held by a public authority is exempt information if it was directly or indirectly supplied to the public authority by, or relates to, any of the bodies specified in subsection (3)".
14. To successfully engage the exemption at section 23(1), a public authority needs only to demonstrate that the relevant information was directly or indirectly supplied to it, or relates to, any of the bodies listed at section 23(3)².
15. Section 24(1) states that:
- "Information which does not fall within section 23(1) is exempt information if exemption from section 1(1)(b) is required for the purpose of safeguarding national security".
16. FOIA does not define the term 'national security'. However, in *Norman Baker v the Information Commissioner and the Cabinet Office*
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² A list of the bodies included in section 23(3) of FOIA is available here:
<https://www.legislation.gov.uk/ukgpa/2000/36/section/23>

(EA/2006/0045 4 April 2007) the Information Tribunal was guided by a House of Lords case, *Secretary of State for the Home Department v Rehman* [2001] UKHL 47, concerning whether the risk posed by a foreign national provided grounds for his deportation. The Information Tribunal summarised the Lords' observations as follows:

- 'national security' means the security of the United Kingdom and its people;
 - the interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people;
 - the protection of democracy and the legal and constitutional systems of the state are part of national security as well as military defence;
 - action against a foreign state may be capable indirectly of affecting the security of the UK; and
 - reciprocal co-operation between the UK and the other states in combatting international terrorism is capable of promoting the United Kingdom's national security.
17. Furthermore, in this context, the Commissioner interprets 'required for the purpose of' to mean 'reasonably necessary'. Although there has to be a real possibility that the disclosure of requested information would undermine national security, the impact does not need to be direct or immediate.
18. As is clear from the wording of section 24(1), the exemptions provided by sections 23(1) and 24(1) are mutually exclusive. This means that they cannot be applied to the same information.
19. However, the Commissioner recognises that the fact that section 24(1) can only be applied to information that is not protected by section 23(1) can present a problem if a public authority does not want to reveal whether or not a section 23 security body is involved in an issue. To overcome this issue, the Commissioner will allow public authorities to cite both exemptions 'in the alternative' when necessary. This means that although only one of the two exemptions can actually be engaged, the public authority may refer to both exemptions in its refusal notice.

20. As the Commissioner's guidance³ on this issue explains, a decision notice which upholds the public authority's position will not allude to which exemption has actually been engaged. It will simply say that the Commissioner is satisfied that one of the two exemptions cited is engaged and that, if the exemption is section 24(1), the public interest favours maintaining that exemption.
21. Based on the submissions provided to him by the Cabinet Office during the course of his investigation, and his examination of the withheld information, the Commissioner is satisfied that some of the withheld information falls either within the scope of the exemption provided by section 23(1) of FOIA or falls within the scope of the exemption provided by section 24(1) of FOIA, and that if section 24(1) is engaged then the public interest favours maintaining the exemption.
22. The Commissioner cannot elaborate on his rationale behind this finding without compromising the content of the withheld information itself or by revealing which of these two exemptions is actually engaged.

Section 26: Defence

23. Section 26(1) states:

"Information is exempt information if its disclosure under this Act would or would be likely to prejudice –

- (a) the defence of the British Islands or any colony, or
- (b) the capability, effectiveness or security of any relevant forces".

24. The Cabinet Office provided arguments regarding why the exemption is engaged. The Commissioner cannot repeat these submissions as to do so would reveal the contents of the withheld information and negate the purpose of the exemption.
25. Having reviewed these submissions and the withheld information, the Commissioner is satisfied that disclosure of the information would be likely to prejudice the defence of the British Islands or any colony and the capability, effectiveness or security of any relevant forces. Sections 26(1)(a) and (b) are therefore engaged.

³ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/how-sections-23-and-24-interact/>

Public interest test

26. Section 26(1) is a qualified exemption and therefore the Commissioner must consider the balance of the public interest and whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
27. The complainant set out that the requested documents were nearly 40 years old and primarily of historical interest.
28. The Cabinet Office acknowledged that there is a definite public interest in members of the public being able to understand the defence of the country. However, it considered that the stronger public interest lies in favour of upholding the capability of the armed services and those of the UK's allies.
29. The Cabinet Office stated that in spite of the age of the information, those allies are likely to object to the disclosure of information that concerns their armed services and that this would have a detrimental effect on military co-operation and exchanges of information between the UK and those allies. The Cabinet Office considered that there is a clear public interest in the UK maintaining unfettered co-operation with its allies in respect of defence matters.
30. The Cabinet Office considered that the information engaging section 26(1)(b) continues to be relevant in view of the ongoing need to ensure that the UK's defence presence remains secure. The Cabinet Office stated there is a self-evidently strong public interest in ensuring this defence remains uncompromised.
31. Having reviewed the specific withheld information and considered the Cabinet Office's submissions, he considers that the balance of the public interest favours maintaining the exemption. The Commissioner has included the age of the information in his consideration but he finds that the public interest in maintaining the cooperation of the UK's allies and the integrity of its defence outweighs that in disclosure.

Section 27: International relations

32. Section 27 states:

“(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

- (a) relations between the United Kingdom and any other State,

- (b) relations between the United Kingdom and any international organisation or international court,
 - (c) the interests of the United Kingdom abroad; or
 - (d) the promotion or protection by the United Kingdom of its interests abroad.
- (2) Information is also exempt information if it is confidential information obtained from a State other than the United Kingdom or from an international organisation or international court"
33. The Cabinet Office explained that disclosure of some of the disputed information would be likely to prejudice relations with the State of Libya. The Cabinet Office also provided the names of other parties that disclosure would be likely to prejudice relations with. The Commissioner has not set them out here as to do so would undermine the purpose of the exemption.
34. The Cabinet Office also considered that some of the disputed information is exempt from disclosure under section 27(2) of FOIA on the basis that it is confidential information obtained from a State other than the UK or from an international organisation.
35. The Cabinet Office explained that the UK endeavours to have a strong relationship with Libya. It stated that the (then) Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs, David Rutley MP commented in the House of Commons on 18 October 2023 that:
- "...the priority of our embassy remains building and sustaining strong and enduring partnerships in all parts of the country. The official reopening of the British embassy in 2022 was a demonstration of the strength of our relationship with the whole of Libya. The UK has played and continues to play a central role in supporting Libya on its path to becoming a more democratic and stable country".⁴
36. The Cabinet Office further explained that the UK Deputy Permanent Representative to the UN James Kariuki, reaffirmed UK support for efforts towards a peaceful and stable Libya on 20 August 2024:

⁴ <https://hansard.parliament.uk/commons/2023-10-18/debates/35AF138E-0079-4C32-B4E6-FBC1AD140724/UKSupportForStabilityInLibya>

"... the UK remains steadfast in support of [United Nations Support Mission in Libya]... We continue to call on all Libya's leaders to engage in the political process in the spirit of compromise.

We call on members of the Council and others in the international community to work with increased focus and vigour on a shared vision for a stable, peaceful and secure Libya which is in the interests not only of the Libyan people but the wider region"⁵

37. The Cabinet Office considered that, notwithstanding the change in regime in Libya since the requested time period, the disclosure of the requested information would be likely to prejudice relations with Libya.
38. The Cabinet Office cited the Commissioner's guidance on section 27⁶ which states:

"The prejudice must be real, actual or of substance. Prejudice under section 27(1) can be real and of substance if it makes international relations more difficult or calls for a particular diplomatic damage limitation exercise. However, you do not necessarily have to demonstrate quantifiable loss of damage".
39. The Cabinet Office provided further arguments that cannot be repeated in this decision as to do so would negate the purpose of the exemption.
40. The Cabinet Office confirmed that it considered that the prejudice threshold level was 'would' cause prejudice to relations with a number of other named countries.
41. The Cabinet Office explained that the engagement with Libya by the UK during the relevant time period was a multidimensional one that involved a number of international partners. The Cabinet Office considered that those countries would not anticipate the disclosure of matters which directly concerned them.
42. The Cabinet Office explained that disclosure of the requested information may require diplomatic action to be taken in respect of those countries and it was therefore satisfied that there was a likelihood of prejudice.

⁵ <https://www.gov.uk/government/speeches/libyas-leaders-must-protect-their-peoples-rights-uk-statement-at-the-un-security-council>

⁶ <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-27-international-relations/>

The Commissioner's position

43. The Commissioner is satisfied that disclosure of the information has the potential to result in prejudice to the UK's relationship with Libya and the other parties named. He is also satisfied that if the withheld information was disclosed, there is a more than hypothetical risk of prejudice occurring; rather there is a real and significant risk.
44. In light of the Cabinet Office's submissions, he accepts that prejudice to the UK's international relations could occur in a number of different ways if the information was disclosed. In this context, the Commissioner considers it likely that disclosure of the withheld information would be likely to result in some element of a damage limitation exercise on the part of the UK government.
45. The Commissioner appreciates that the complainant has emphasised the passage of time since the creation of the withheld information. However, as explained it is not simply the UK's relations with Libya which the Cabinet Office believes could be harmed if this information was disclosed. Rather the risk extends to other states and parties and indeed to the UK's relations with states more generally. The Commissioner notes that the Cabinet Office has relied on the lower prejudice threshold level of 'would be likely to' regarding its relations with Libya but has relied on the higher threshold level of 'would' for the other States. Consequently, the Commissioner is satisfied that sections 27(1)(a), (b), (c), (d) and 27(2) are engaged.

Public interest test

46. Section 27 is a qualified exemption and therefore the Commissioner must consider the balance of the public interest and whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
47. The Cabinet Office acknowledged that there is a public interest in there being more understanding about the relationship between the UK and Libya between 1986 and 1994, however, it considered that the stronger public interest lies in withholding the information.
48. The Cabinet Office explained that there is a strong public interest in the United Kingdom being able to successfully pursue its national interests. The Cabinet Office considered that the UK is more likely to do so if it conforms to the conventions of international behaviour, avoids giving offence to other nations and retains the trust of its international partners.

49. The Cabinet Office set out that, in particular, there is a clear public interest in the UK maintaining a strong relationship with Libya and in that relationship not being unduly complicated by disclosures of historic and sensitive information.
50. The Cabinet Office also considered that there is a further public interest that firmly weighs in favour of withholding the disputed information. It explained that the public interest lies in the UK "maintaining unprejudiced" relations with the various countries identified as being relevant to this information. The Cabinet Office stated these countries would not anticipate information that concerns them in respect of sensitive subjects to be disclosed into the public domain. It considered that there is a clear public interest in maintaining good relations with those countries by not disclosing such information.
51. The Cabinet Office further explained that there is a strong public interest in the UK maintaining confidences imparted to it by other states. It considered that the reputation of the UK in the eyes of other states with whom it works depends on its trustworthiness as a partner. It explained that if confidential information entrusted to it were to be disclosed into the public domain by the UK then this would undermine that trust. It explained that other states would be less inclined to impart sensitive information in their dealing with the UK, which would undermine its foreign policy.

The Commissioner's position

52. The Commissioner appreciates that there is a public interest in the disclosure of information which would provide further transparency, beyond the information already released and in the public domain in relation to the UK's relationship with Libya. The Commissioner acknowledges that a significant amount of time has passed since the creation of the information and Libya has been through regime change and the UK's Government no longer involves the same elected representatives.
53. However, the Commissioner considers there to be a significant and weighty public interest in ensuring that the UK is able to maintain effective relations with other states. Disclosure of this information would harm the UK's relations with the identified states and more broadly risks internal relations by undermining the expected confidentiality.
54. The Commissioner has considered the content of the withheld information and the fact that the Cabinet Office disclosed one of the requested files, and he is satisfied that the balance of the public interest lies in maintaining the exemption.

Section 40: Personal data

55. Section 40(2) of FOIA provides that information is exempt from disclosure if it is the personal data of an individual other than the requester and where one of the conditions listed in section 40(3A)(3B) or 40(4A) is satisfied.
56. In this case, the relevant condition is contained in section 40(3A)(a)⁷. This applies where the disclosure of the information to any member of the public would contravene any of the principles relating to the processing of personal data ('the DP principles') as set out in Article 5 of the UK General Data Protection Regulation ('UK GDPR').
57. The first step for the Commissioner is to determine whether the withheld information constitutes personal data as defined by the Data Protection Act 2018 ('DPA'). If it is not personal data then section 40 of FOIA cannot apply.
58. Secondly, and only if the Commissioner is satisfied that the disputed information is personal data, he must establish whether disclosure of that data would breach any of the DP principles.
59. In this case, the information that the Cabinet Office has applied section 40(2) to is intermingled within the information that is also exempt from disclosure under the other exemptions considered in this notice. However, in the very specific circumstances of this case and for completeness, he has considered whether section 40 is engaged.

Is the information personal data?

60. Section 3(2) of the DPA defines personal data as:

"any information relating to an identified or identifiable living individual"
61. The two main elements of personal data are that the information must relate to a living person and that the person must be identifiable.
62. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

⁷ As amended by Schedule 19 Paragraph 58(3) Data Protection Act

63. Information will relate to a person if it is about them, linked to them, has biographical significance for them, is used to inform decisions affecting them or has them as its main focus.
64. In the circumstances of this case, having reviewed the information, the Commissioner is satisfied that the disputed information relates to the individuals identified by the Cabinet Office. He is satisfied that this information both relates to and identifies these individuals. This information therefore falls within the definition of 'personal data' in section 3(2) of the DPA.
65. The fact that information constitutes the personal data of an identifiable living individual does not automatically exclude it from disclosure under FOIA. The second element of the test is to determine whether disclosure would contravene any of the DP principles.
66. The most relevant principle in this case is principle (a).

Would disclosure contravene principle (a)?

67. Article 5(1)(a) of the UK GDPR states that:

"Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject"

68. In the case of an FOIA request, the personal data is processed when it is disclosed in response to the request. This means that the information can only be disclosed if to do so would be lawful, fair and transparent.

Lawful processing: Article 6(1)(f) of the UK GDPR

69. Article 6(1) of the UK GDPR specifies that the requirements for lawful processing by providing that "processing shall be lawful only if and to the extent that at least one of the" lawful bases for processing listed in the Article applies.
70. The Commissioner considers that the lawful basis most applicable is basis 6(1)(f), which states:

"processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of

the data subject which require protection of a personal data, in particular where the data subject is a child.”⁸

71. In considering the application of Article 6(1)(f) of the UK GDPR in the context of a request for information under FOIA, it is necessary to consider the following three-part test:-
- i) Legitimate interest test: Where a legitimate interest is being pursued in the request for information;
 - ii) Necessity test: Whether disclosure of the information is necessary to meet the legitimate interest in question;
 - iii) Balancing test: Whether the above interests override the legitimate interest(s) or fundamental rights and freedoms of the data subject.
72. The Commissioner considers that the test of ‘necessity’ under stage (ii) must be met before the balancing test under stage (iii) is applied.

Legitimate interests

73. In considering any legitimate interest(s) in the disclosure of the requested information under FOIA, the Commissioner recognises that such interest(s) can include broad general principles of accountability and transparency for their own sakes, as well as case specific interests.
74. Further, a wide range of interests may be legitimate interests. They can be the requester’s own interests or the interests of third parties and commercial interests as well as wider societal benefits. They may be compelling or trivial, but trivial interests may be more easily overridden in the balancing test.

⁸ Article 6(1) goes on to state that:-

“Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks”.

However, section 40(8) of FOIA (as amended by Schedule 19 Paragraph 58(8) DPA provides that:-

“In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the UK GDPR would be contravened by the disclosure of information, Article 6(1) of the UK GDPR (lawfulness) is to be read as if the second sub-paragraph (dis-applying the legitimate interests gateway in relation to public authorities) were omitted”.

75. The Cabinet Office stated that it was not apparent to it that there is a legitimate interest in disclosure.
76. The Commissioner is disappointed that the Cabinet Office does not appear to have thoroughly considered the legitimate interests in disclosure. In addition to the general interest in transparency, the Commissioner considers that there is clearly a legitimate historical interest in understanding the Government's position and actions at this time.
77. It is important to note that section 40 is different from other exemptions in that it does not start with an expectation of disclosure. As section 40 is the point at which FOIA and the DPA interact, the expectation is that personal data will not be disclosed unless it can be demonstrated that disclosure is in accordance with the DPA.

Is disclosure necessary?

78. 'Necessary' means more than desirable but less than indispensable or absolute necessity. Accordingly, the test is one of reasonable necessity and involves consideration of alternative measures which may make disclosure of the requested information unnecessary. Disclosure under FOIA must therefore be the least intrusive means of achieving the legitimate aim in question.
79. The Cabinet Office has not provided any arguments regarding the necessity of disclosure or any alternative measures that could be taken.
80. Having viewed the information, the Commissioner accepts that disclosure of this information is the only way in which clarity could be provided in respect to this information. The Commissioner is satisfied in this case that there are no less intrusive means of achieving the legitimate aims identified.

Balance between legitimate interests and the data subject's interest or fundamental rights and freedoms

81. It is necessary to balance the legitimate interests in disclosure against the data subject's interests or fundamental rights and freedoms. In doing so, it is necessary to consider the impact of disclosure. For example, if the data subject would not reasonably expect that the information would be disclosed to the public under FOIA in response to the request, or if such disclosure would cause unjustified harm, their interests or rights are likely to override legitimate interests in disclosure.
82. In considering this balancing test, the Commissioner has taken into account the following factors:

- the potential harm or distress that disclosure may cause;
 - whether the information is already in the public domain;
 - whether the information is already known to some individuals;
 - whether the individual expressed concern to the disclosure; and
 - the reasonable expectations of the individuals.
83. In the Commissioner's view, a key issue is whether the individuals concerned have a reasonable expectation that their information will not be disclosed. These expectations can be shaped by factors such as an individual's general expectation of privacy, whether the information relates to an employee in their professional role or to them as individuals, and the purpose for which they provided their personal data.
84. It is also important to consider whether disclosure would be likely to result in unwarranted damage or distress to that individual.
85. The Cabinet Office simply stated that it considered the reasonable expectations of the individuals is that their personal data would not be put into the public domain.
86. Having viewed the information, the Commissioner has determined that there is insufficient legitimate interest to outweigh the data subject's fundamental rights and freedoms. The Commissioner therefore considers that there is no Article 6 basis for processing and so disclosure of the information would not be lawful.
87. Given the above conclusion that disclosure would be unlawful, the Commissioner considers that he does not need to go on to separately consider whether disclosure would be fair and transparent.
88. The disputed information is therefore exempt from disclosure on the basis of section 40(2) of FOIA.

Procedural matters

89. Under section 1(1) of FOIA, a public authority must (a) confirm whether it holds information that has been requested and (b) communicate the information to the applicant if it is held and not exempt information.
90. Section 10(1) states that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.

91. Under section 17(1), a public authority must issue a refusal notice in respect of any exempt information within the same timescale.
92. Section 10(3) of FOIA allows a public authority to claim an extension to the statutory 20 working days limit, if necessary, but only to consider the balance of the public interest.
93. In this case, the request was made on 23 June 2023 and the Cabinet Office provided its response on 13 March 2024. The complainant confirmed that the Cabinet Office did send interim responses stating it needed more time to respond.
94. The Commissioner asked the Cabinet Office to provide copies of these interim responses and explain why the response was delayed.
95. The Cabinet Office did not address these queries in its submissions or provide copies of the interim responses.
96. The Commissioner finds that the lengthy delay in providing a response in this case means that the Cabinet Office breached section 17(3) of FOIA. He has determined this on the basis that he has no evidence that the time taken or the extension itself was reasonable under section 10(3).

Right of appeal

97. 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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

98. 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.
99. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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