

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 28 November 2024

Public Authority: HM Treasury

Address: 1 Horse Guards Road
Westminster
London
SW1A 2HQ

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-325593-C4B4, for a decision whether a request for information made by the complainant to HM Treasury (“HMT”) on 22 January 2024, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant submitted the following request to HMT on 22 January 2024:

"With FOI Ref: FOI2023/20483 , I requested minutes or documented summaries of the meetings between Sir Amyas Morse (or representatives of the Independent Loan Charge) and Sir Iain Duncan Smith and David Davis.

As the review has now become official government policy, I received the notes requested.

As this FOI revealed that the minutes of meetings conducted as a part of this review do exist within the department and are not subject to any restrictions, or confidentiality, I am now requesting copies of the meeting notes held with

1. Mel Stride MP
2. Ray McCann (Joseph Hage Aaronson LLP)

Please provide these meeting notes as requested."

3. On 23 January 2024 HMT confirmed receipt of the request. It responded on 19 February 2024 confirming that it held information in the scope of the request and advising that it was considering the public interest test with regard to the exemption at FOIA section 35(1)(a), development of government policy.
4. The complainant contacted HMT on 20 February 2024 questioning the application of the exemption at FOIA section 35(1)(a).
5. On 20 March 2024 and 16 April 2024 the complainant again wrote to HMT chasing a response to their request.
6. On 22 April 2024 HMT provided a response to the request. HMT provided redacted information in regard to point 2 of the request and refused point 1 of the request in reliance of FOIA section 41(1)(b), information provided in confidence.
7. On 23 April 2024 the complainant wrote to HMT with queries regarding its response but specified that they were not requesting an internal review at that time. HMT responded on 7 May 2024 explaining that the correspondence was not a valid request as it sort opinions and judgements rather than recorded information.

8. On 11 May 2024 the complainant requested an internal review of the response of 22 April 2024 specifically concerning the refusal to disclose point 1 (meeting notes from the meeting of Lord Morse and Mel Stride MP) of the request.
9. HMT informed the complainant of the outcome of the internal review on 15 July 2024. The review concluded that the information in question remained exempt from disclosure on the basis of FOIA section 41(1)(b).
10. The complainant contacted the Commissioner on 6 August 2024 to complain about HMT's decision to withhold the requested information.
11. The Commissioner contacted HMT on 13 November 2024 and asked it to provide him with a copy of the withheld information and to respond to questions regarding its decision to withhold this information. The Commissioner asked for a response to his letter within 10 working days, ie by 27 November 2024.
12. HMT contacted the Commissioner on 22 November 2024 and explained that it would not be able to meet this deadline. HMT requested an extension to respond to the Commissioner's letter on this case until 20 December 2024. HMT noted that it may be able to respond before that date, but sought an extension of this nature to ensure that it would be in a position to respond by that point.
13. On 26 November 2024 the Commissioner contacted HMT regarding its request for an extension to his deadline. HMT advised that it was also dealing with his enquiries on another case.
14. The Commissioner notes that if HMT takes until 20 December 2024 to respond to his investigation letter on this case that would represent a total of 27 working days. The Commissioner does not accept that such an extension of time should be necessary on the basis that a public authority is concurrently dealing with enquiries from him in relation to other section 50 complaints. In these circumstances the Commissioner is issuing this Information Notice to ensure that HMT provides a response within the timeframe required by this notice.

Information required

15. 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 HMT shall, within 30 calendar days of the date

of this notice, furnish the Commissioner with a copy of the following information:

- A full and complete response to his letter of 13 November 2024.

Failure to comply

16. 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.

Right of appeal

17. 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

18. 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

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