

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 July 2021

Public Authority: Department for Business, Energy and Industrial Strategy

Address: 1 Victoria Street
London
SW1H 0ET

Decision (including any steps ordered)

1. The complainant requested information from the Department for Business, Energy and Industrial Strategy (BEIS) about coal excavation.
2. The Commissioner's decision is that BEIS breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 9 April 2021, the complainant wrote to BEIS and requested information in the following terms:

"Please share any information you have relating to the destination of coal excavated from Ffos-y-fran coal mine in Merthyr Tydfil, South Wales. Specifically what companies is this coal supplied to and in what quantities. Could you highlight any of this data that relates to Port Talbot steelworks (owned by TATA) in Neath Port Talbot council area, South Wales please?"

4. BEIS responded to the request for information on 7 July 2021.

Scope of the case

5. The complainant contacted the Commissioner on 7 July 2021 to complain about BEIS' failure to respond to their request within the statutory time frame of the FOIA.
6. The Commissioner has considered whether BEIS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

7. 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."
8. 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"*.
9. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that BEIS has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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

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