

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 May 2013

Public Authority: Department for Communities and Local Government

Address: Eland House
Bressenden Place
London
SW1E 5DU

Decision (including any steps ordered)

1. The complainant has requested information relating to communications between the Department for Communities and Local Government ("the department") and Optomen Television. The department has not responded to the request.
2. The Commissioner's decision is that the department has breached section 10 of the FOIA.
3. The Commissioner requires the department to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with the obligations under FOIA.
4. The department 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 confirmation 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

5. On 29 October 2012, the complainant wrote to the department and requested information in the following terms:

"I would like all communications between DCLG officials and Optomen Television between Nov 1st 2011 and 29th October 2012."

6. The department did not provide a response to this request.
7. The complainant requested an internal review on the 27 November 2012.
8. Following the internal review, the department detailed the outcome to the complainant on 18 December 2012. It acknowledged the delay in responding to the information request, and stated that the complainant should "receive a response very soon".

Scope of the case

9. The complainant contacted the Commissioner on 11 February 2013 to complain that her request for information had not been responded to.
10. The Commissioner contacted the department on 19 February 2013 and requested that a response to the request be provided within 10 working days.
11. The complainant subsequently informed the Commissioner on the 24 April 2013 that they had received no response.

Reasons for decision

12. Section 10 of FOIA requires that an information request should be responded to within 20 working days of receipt. In this case a response was not provided. The department, therefore, breached section 10 of the FOIA in relation to the complainant's request.

Right of appeal

13. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

14. 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.
15. 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

Andrew White
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