

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 22 July 2013

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London  
N5 2JX

#### Decision (including any steps ordered)

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1. The complainant submitted a request for information to the Cabinet Office about expenses claimed by special advisers working for the Prime Minister for the months of September and October 2012. Whilst the Cabinet Office acknowledged receipt of the request, no substantive response has been provided. The Information Commissioner's decision is that the Cabinet Office did not deal with the request for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a response to the complainant's request under the FOIA.
3. The public authority 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 certification 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

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4. On 16 January 2013 the complainant wrote to the Cabinet Office and requested information in the following terms:

*"I would like to request under [sic] any documents or records relating to expenses claimed by special advisers working for the Prime Minister for the months of September and October 2012."*

5. The Cabinet Office acknowledged receipt of the request on 17 January 2013. In the absence of a response the complainant wrote twice to the Cabinet Office, on 27 February 2013 and 13 March 2013, reminding it of the need to respond to his request.
6. No substantive response to the request has been provided to date by the Cabinet Office.

### **Scope of the case**

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7. The complainant contacted the Information Commissioner (the 'Commissioner') on 23 May 2013 to complain about the way his request for information had been handled. He specifically asked the Commissioner to consider the fact that no substantive response had been provided.
8. The Commissioner spoke to the complainant on 16 July 2013 to determine whether a response had now been provided; the complainant confirmed that he had still not received any response.

### **Reasons for decision**

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9. Section 8(1) of FOIA states that requests for information should be in writing, should bear the name and address of the applicant and describe the information requested. The Commissioner considers that the request in this case fulfils these criteria, and therefore constituted a valid request under FOIA for recorded information.
10. Section 10(1) of FOIA states that on receipt of any request for information a public authority should respond to the applicant within 20 working days. From the information provided to the Commissioner it is evident that the Cabinet Office did not respond to the complainant within the statutory timeframe in respect of this request.

### *Conclusion*

11. The Commissioner's decision is that the Cabinet Office did not deal with the request for information in accordance with FOIA. It breached section 10(1) of FOIA by failing to provide a response to the request within the statutory timeframe of 20 working days. At paragraph 2 above the Cabinet Office is now required to respond to this request. The Commissioner has also logged the delay for monitoring purposes.

## Right of appeal

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12. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

13. 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.
14. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**