

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 May 2022

Public Authority: The Department for Digital, Culture, Media and Sport

Address: 100 Parliament Street
London
SW1A 2BQ

Decision (including any steps ordered)

1. The complainant requested information from the Department for Digital, Media, Culture and Sport (DCMS) relating to the Great Exhibition 2.0. By the date of this notice DCMS had not issued a substantive response to this request.
2. The Commissioner's decision is that DCMS has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires DCMS to take the following step to ensure compliance with the legislation.
 - DCMS must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. DCMS must take this step 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

5. On 9 February 2022, the complainant wrote to DCMS and requested information in the following terms:

“Please can I have a copy of the minute of the meeting between the Secretary of State and [name redacted] regarding the Great Exhibition 2.0? I understand this meeting was on 18 January 2021.”

6. DCMS wrote to the complainant on 9 February 2022 to acknowledge the request. By the date of this notice, DCMS had not provided the complainant with a substantive response to their request.

Scope of the case

7. The complainant contacted the Commissioner on 20 April 2022 to complain about DCMS' failure to respond to their request.
8. The Commissioner has considered whether DCMS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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.”

10. 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”.
11. On 27 April 2022 the Commissioner wrote to DCMS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

12. Despite this intervention, DCMS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that DCMS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that DCMS has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

14. 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

15. 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.
16. 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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF