

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 September 2023

**Public Authority:** Foreign, Commonwealth and Development Office

**Address:** King Charles Street  
London  
SW1A 2AH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Foreign, Commonwealth and Development Office (the public authority) in relation to the British Embassy in Cairo. By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of 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 the public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The public authority 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 18 April 2023, the complainant wrote to the public authority and requested information in the following terms:
- “1. The number of official notifications, i.e. notes verbales issued by the British embassy in Cairo to the Egyptian authorities requesting consular access to Alaa Abd el-Fattah from December 20th 2021 to the present day.
2. The number of times that James Cleverly has officially raised Alaa Abd el-Fattah's case since becoming Secretary of State for Foreign, Commonwealth and Development Affairs on 6th September 2022.
3. The number of times that Rishi Sunak has spoken with Egyptian president Abdel-Fatah al-Sisi since November 2023 by telephone, and the number of times that the Prime Minister has raised Alaa Abd el-Fattah's case in these telephone calls.
4. The number of written or verbal demarches from the British embassy in Cairo to the Egyptian Ministry of Foreign Affairs.
5. The number of times that the Egyptian Ambassador to London, [REDACTED], has been welcomed at the FCDO for a visit or visited any other office in Whitehall since December 20th 2021.”

## Reasons for decision

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6. Section 1(1) of 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.”
7. Section 10(1) of 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”.

8. On 11 August 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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 FOIA.

## Right of appeal

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11. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**