

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 May 2024

Public Authority: Department for Culture, Media & Sport
Address: 100 Parliament Street
London, SW1A 2BQ

Decision (including any steps ordered)

1. The complainant has requested information from the Department for Culture, Media & Sport ("the DCMS"). By the date of this notice the DCMS had not issued a substantive response to this request.
2. The Commissioner's decision is that the DCMS 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 DCMS to take the following steps 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 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

5. On 12 December 2023, the complainant wrote to the DCMS and requested information in the following terms:

"I would like to submit a Freedom of Information request to:

- See a copy of the current 2023/24 Outcome Delivery Plan (ODP) and all ODPs used to monitor delivery within your Department since they were last published in 2021; and
 - Enquire as to the last time your Secretary of State discussed any ODP with No.10, the Cabinet Office, and/or Treasury to clarify whether ODPs are being used to track progress and hold Departments to account for delivery.”
6. The DCMS acknowledged the request on 17 January 2024 and advised it required additional time to consider the public interest test. Other than this, it has not provided a response.

Reasons for decision

7. 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.”
8. 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”.
9. On 30 April 2024 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.
10. Despite this intervention the public authority has failed to respond to the complainant.
11. 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

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

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