

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

### **Decision notice**

**Date:** 26 July 2024

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

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

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

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1. The complainant submitted a request to the Foreign, Commonwealth & Development Office (FCDO) seeking information about services provided by the British Embassy in Bangkok. The FCDO provided information in response to the request, save for minimal redactions on the basis of section 40(2) (personal data) of FOIA. The complainant is dissatisfied that the FCDO did not respond to his request within 20 working days.
2. The Commissioner's decision is that the FCDO breached section 10(1) of FOIA by failing to respond to the request within this timeframe.
3. The Commissioner does not require further steps.

#### **Request and response**

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4. The complainant submitted a request to the FCDO on 1 February 2024 seeking the following information:  
  
"1) Copy of the Policy applicable section that provides the British Embassy in Bangkok does not provide to British Citizens residing in Thailand Certification of Bank Statements when making application for the (Non-Immigrant O Visa).

- 2) Copy of the Policy applicable section or a copy of any letters communications or other; provided to Thai Immigration over a position made that the British Embassy in Bangkok does not certify bank statements for British Citizens residing in Thailand applying in compliance with (Retirement Visa change Form Part 4)."
5. The FCDO acknowledged receipt of the request on 6 February 2024 as follows: "We received your request on 1st February. It has been assigned a unique reference number FOI2024/03133. We aim to respond by 29th February."
  6. The FCDO responded on 5 March 2024. It provided information in response to the request but redacted a small portion of information on the basis of section 40(2) of FOIA.
  7. The complainant contacted the FCDO on the same day and asked it to conduct an internal review of its handling of his request, noting that he was dissatisfied that the FCDO had failed to provide this information within 20 working days, as required by FOIA and contrary to the expected response date set out in its acknowledgment email of 6 February 2024.
  8. The complainant sent further correspondence to the FCDO on 12 March, 20 March, 26 March and 3 April 2024 chasing up the internal review response. The Commissioner notes that all of these emails, including the complainant's original internal review request of 5 March 2024, were sent to what he understands to be a defunct email address for the FCDO's information rights team.
  9. The complainant sent a further chaser to the FCDO on 8 April 2024. This email was sent to the defunct email address, but also to the current email address for the FCDO's information rights team. For the avoidance of doubt, it was this latter, current address to which the FCDO's response of 5 March 2024 directed the complainant to should he wish to submit an internal review.
  10. The FCDO responded to the internal review on 15 May 2024 noting that it had received the complainant's request for such a review on 8 April 2024. The review concluded that the requested information had been disclosed, but accepted that it did not meet the statutory timeframe in FOIA when responding to the request.

## Scope of the case

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11. The complainant contacted the Commissioner on 23 April 2024 in order to complain about the FCDO's failure to respond to his request within 20 working days, and its delays in conducting the internal review.
12. FOIA does not include a statutory timeframe within which internal reviews should be completed. The Commissioner has therefore considered this aspect of the complaint in the Other Matters of this decision notice.
13. The decision notice itself simply considers the time it took the FCDO to respond to the request.

## Reasons for decision

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14. 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."
15. 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".
16. 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.

## Other matters

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17. Although FOIA does not impose a statutory time within which internal reviews must be completed, the section 45 Code of Practice explains that such reviews should be completed within a reasonable timeframe.<sup>1</sup> The Commissioner expects that most internal reviews should be completed within 20 working days, and even for more complicated

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<sup>1</sup> <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

requests, reviews should be completed within a total of 40 working days.<sup>2</sup>

18. As explained above, the Commissioner understands that the complainant's initial request for an internal review, and his chasers, were sent to a defunct email address and as a result were not actioned by the FCDO. It was only once the complainant's email of 8 April 2024 was received - which was sent to the current email address - that the FCDO understood that an internal review had been requested. It then took 26 working days to complete the internal review, marginally outside the 20 working day timeframe the Commissioner would expect an internal review in a straightforward case such as this to be completed in.

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<sup>2</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/request-handling-freedom-of-information/#internal>

## Right of appeal

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19. 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)

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Jonathan Slee**  
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