

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 23 July 2024

Public Authority: Foreign, Commonwealth and Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant has requested information regarding the circumstances surrounding the death of Matthew Cooper.
2. The Commissioner's decision is that the above public authority ("the public authority") breached section 10(1) of FOIA by failing to confirm whether it held any information and to communicate non-exempt information within the statutory time frame of 20 working days. In respect of the exempt information, the public authority also breached section 17(1) of FOIA as it didn't issue a refusal notice within the required timescale.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 26 April 2024, the complainant wrote to the public authority and requested information in the following terms:

"Graeme Irvine, senior coroner for East London said numerous attempts were made by the Foreign, Commonwealth and Development Office to find out more about the circumstances*.

I ask to be provided the approaches/attempts made and the responses received."

5. The public authority requested clarification on 31 May 2024. The complainant provided clarification on 7 June 2024.
6. On 10 June 2024, the public authority asked for further clarification. But on 20 June 2024, the public authority confirmed that it no longer required this information.
7. The public authority finally provided a response to the complainant on 16 July 2024 and provided some of the information. It relied on section 40(2) of FOIA to withhold some personal information.

Scope of the case

8. The complainant wrote to the Commissioner on 20 July 2024 and stated:

"I have not requested an internal review nor do I intend to do so at this time"
9. Given that he had already set out the process for challenging the substance of the public authority's response, the Commissioner considers the above statement to provide confirmation that the complainant is satisfied with the substance of the response. The Commissioner therefore considers that the only matter outstanding is the timeliness of the public authority's response.

Reasons for decision

10. 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."
11. Section 10(1) of FOIA states that a public authority must comply with its duties under section 1(1) promptly and "not later than the twentieth working day following the date of receipt".
12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not confirm whether or not it held relevant

information or communicate any non-exempt information within 20 working days. The Commissioner finds that the public authority has breached section 10(1) of FOIA.

13. Section 17(1) of FOIA states that where a public authority is relying on an exemption, it must issue a refusal notice, stating the exemption being relied upon, within 20 working days.
14. It is the Commissioner's view that the public authority has breached section 17(1) of FOIA as it didn't provide its refusal notice within the required timescale.

Other Matters

15. The Commissioner would also like to point out to the public authority that, where it requires a request to be clarified, it should seek clarification as soon as possible and well before the twentieth working day.

Right of appeal

16. 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

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Information Commissioner's Office
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Water Lane
Wilmslow
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