

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated: 26<sup>th</sup> September 2005

**Name of Public Authority:** The Cabinet Office

**Address of Public Authority:** 70 Whitehall  
London  
SW1A 2AS

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 23<sup>rd</sup> February the following information was requested from the Cabinet Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

Copies of correspondence between the Prime Minister and Lord Birt from the 1<sup>st</sup> July 2004.

It is alleged that the Cabinet Office did not respond to the request within 20 working days.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Cabinet Office responded to the complainant's request by letter dated 1<sup>st</sup> April 2005. In that letter, the complainant was asked to refine his request by specifying a more restricted time period. The complainant refined his request by email dated 7<sup>th</sup> April 2005, to cover the period between 1<sup>st</sup> November 2004 and 1<sup>st</sup> April 2005. The complainant received a response by letter dated 6<sup>th</sup> May 2005 informing him that the information requested was considered to be exempt under section 35(1)(a) of the Act. This Decision Notice is concerned solely with the timeliness of the response made to the complainant's request.

In failing to respond to the complainant's request dated 23<sup>rd</sup> February 2005 until 1<sup>st</sup> April 2005, the Cabinet Office did not deal with the request in

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accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) states "...a public authority must comply with section 1(1) promptly and in any event, not later than the twentieth working day following the date of receipt."

### **Action Required**

The Commissioner does not require any remedial steps to be taken by the Cabinet Office.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 26<sup>th</sup> day of September 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF