

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 15 June 2011

Public Authority: Central Office of Information
Address: Hercules House
Hercules Road
London
SE1 7DU

Summary

The complainant requested a list of all .gov.uk domain names from the Central Office of Information (COI). COI initially responded to the request by informing the complainant that it did not hold the requested information. During the Commissioner's investigation COI confirmed that it did hold a subset of the gov.uk domain names, which it used for its own business purposes. However, COI considered this information to be reasonably accessible to the complainant and was therefore subject to the exemption provided by section 21 of the Freedom of Information Act 2000. The Commissioner is satisfied that section 21 does apply to the information held by COI and has not therefore upheld the complaint. He does nevertheless find that COI made a number of procedural breaches of the Act by its handling of the request.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. The Commissioner notes that under the Act the COI is not a public authority itself, but is actually an executive agency of the Cabinet Office which is responsible for the COI and therefore, the public authority in this case is actually the Cabinet Office not the COI. However, for the sake of clarity, this decision notice refers to the COI as if it were the public authority.

3. On 1 July 2010 the complainant submitted the following information request to the Central Office of Information:

"Under the Freedom of Information Act, I would be grateful if you would publish, in an excel spreadsheet format, the list of all .gov.uk domain names."

4. COI responded to the request on 7 July 2010 by informing the complainant that it did not hold the requested information. Instead, the COI referred the complainant to JANET(UK), an organisation which it considered held a register of all .gov.uk domain names.

5. At the request of the complainant, the COI carried out an internal review of its response, the outcome of which was provided on 17 July 2010. This reiterated the original view that the requested information was not held by COI.

The Investigation

Scope of the case

6. On 19 October 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled.

Chronology

7. Between 10 December 2010 and 25 May 2011 the Commissioner asked for, and received, submissions from COI to clarify its position with respect to the complainant's request.

8. During the Commissioner's investigation COI confirmed that, while it did not hold a complete list of .gov.uk domain names, it did hold a subset of this data. COI claimed, however, that the information was subject to the exemption provided by section 21 of the Act.

Analysis

9. The legal provisions relevant to this determination are set out in the Legal Annex appended to the Decision Notice.

Exemptions

Section 21 – information reasonably accessible by other means

10. Section 21(1) of the Act provides that information which is reasonably accessible to the applicant is exempt information.
11. The Commissioner accepts that information is reasonably accessible if the public authority:
- knows that the applicant has already found the information; or
 - is able to precisely direct the applicant to the information (the public authority has to be reasonably specific to ensure the information is found without difficulty and not hidden within a mass of other information).
12. In this case COI has informed the Commissioner that it holds the following information:
- .gov.uk domain names representing central government websites as reported by departments to COI. This would only form a subset of all gov.uk domain names.
13. With respect to the use of domain names, the website of COI states that:
- “The global system of internet domain names exists to make internet services more accessible for ordinary users. A set of addresses ending in .uk has been created for organizations and individuals who want to publish material associated with the United Kingdom. Within this .uk domain, called a Top Level Domain (TLD), a set of addresses, called Second Level Domains (SLD), has been reserved for use by the public sector. These include .gov.uk, .mod.uk, .nhs.uk, judiciary.uk and .police.uk.”*
14. The Commissioner understands that all the gov.uk domain names associated with central government departments – the dataset held by COI - are publicly listed.

15. COI has indicated that the .gov.uk domain names it does hold can be accessed via the 'whois' service provided by JANET(UK). According to its website, JANET(UK) manages the administration and registration of gov.uk domain names on behalf of COI, with the 'whois' function allowing a member of the public to query registrations under .ac.uk and .gov.uk.
16. The Commissioner, however, does not accept that the requested information is publicly accessible through the 'whois' tool. This is because 'whois' does not provide a search function for .gov.uk domain names but instead only allows a member of the public to verify whether a .gov.uk domain name is in use.
17. Nevertheless, the Commissioner is satisfied that the domain names for all central government departments are available through Directgov. This provides the UK government's digital service, delivering information and practical advice about public services.
18. The Directgov "Contacts" page sets out links to contact information for public sector, charity and voluntary organisations in the United Kingdom, broken down by various categories.
19. Under the heading "A-Z of central government" the website lists, in alphabetical order, the central government departments, executive agencies and non-departmental public bodies and provides the website address (which would include .gov.uk domain names) for each of these bodies as part of their associated contact details. The link to the "A-Z of central government" is as follows:

<http://www.direct.gov.uk/en/DI1/Directories/A-ZOfCentralGovernment/index.htm>
20. The Commissioner considers that the information held by COI is reasonably accessible via Directgov and has therefore determined that section 21(1) is engaged. As an exemption in part II of the Act applies, it has not been necessary for the Commissioner to consider whether it would have been appropriate for COI to provide the requested information in the format described by the complainant, namely an excel spreadsheet.

Procedural Requirements

Sections 1 and 10 – the provision of information

21. Section 1(1)(a) of the Act requires, in most cases, a public authority to confirm or deny whether it holds information of the description specified in the request.
22. Section 10(1) provides that section 1(1) of the Act should be complied with promptly by a public authority and, in any event, within 20 working days following the date of receipt of the request.
23. By failing to confirm that it held information covered by the scope of the request – albeit only a subset of all the information sought – within the statutory time-limit, the Commissioner finds that COI breached sections 1(1)(a) and 10(1)(b).

Section 17 – the refusal of a request

24. Where a public authority is to any extent seeking to rely on an exemption contained in Part II of the Act, section 17(1) requires a public authority to issue a notice within 20 working days which –
 - (a) states the fact,
 - (b) specifies the exemption in question, and
 - (c) states (if that would not otherwise be apparent) why the exemption applies.
25. In this case COI did not provide the complainant with a notice informing him of its reliance on section 21 within the statutory time-limit. The Commissioner has therefore determined that COI breached sections 17(1)(a), (b) and (c) by its processing of the request.

The Decision

26. The Commissioner's decision is that the public authority correctly applied section 21(1) of the Act to the information it holds that is covered by the scope of the request.

27. However, the Commissioner has also decided that the public authority breached the following elements of the Act:
- Sections 1(1)(a) and 10(1) – by the failure of the public authority to confirm within 20 working days that it held information pertaining to the request.
 - Sections 17(1)(a)(b) and (c) – by the failure of the public authority to issue an appropriate refusal notice within the statutory time-limit.

Steps Required

28. The Commissioner requires no steps to be taken.

Right of Appeal

29. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

30. 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.
31. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 15th day of June 2011

Signed

**Pamela Clements
Group Manager, Complaints Resolution**

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

Legal Annex

General Right of Access

Section 1(1) provides 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."

Time for Compliance

Section 10(1) provides that –

"Subject to subsections (2) and (3), 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."

Refusal of Request

Section 17(1) provides that -

"A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which -

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies."

Information Accessible by other Means

Section 21(1) provides that –

"Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information."