

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 29 May 2013

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London  
SW1A 2AS

#### Decision (including any steps ordered)

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1. The complainant made a freedom of information request to the Cabinet Office for information regarding service standards. The complainant has not received a substantive response to his request.
2. The Commissioner's decision is that the Cabinet Office has breached section 10(1) of FOIA by failing to respond to the complainant's request within 20 working days. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation:
  - issue a response in compliance with section 1 of FOIA or otherwise issue a refusal notice in accordance with section 17 of FOIA.
3. 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

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4. The complainant wrote to the Cabinet Office on 14 September 2012 and again on 28 November 2012 requesting information in the following terms:

*"can you let me know which department within the cabinet office is responsible for the interpretation, supervision and implementation of the whitehall service standards please".*

5. Having received no response, the complainant contacted the Commissioner on 21 January 2013.
6. The Commissioner wrote to the Cabinet Office on 6 March 2013 requiring it to respond to the complainant as soon as possible and certainly within 20 working days of receipt of his letter.
7. The Cabinet Office contacted the complainant on 6 March 2013 seeking clarification of his request. Specifically, it asked him to explain what he meant by the phrase *"the Whitehall service standards"*.
8. The complainant responded on 7 March 2013, confirming that he wished to pursue his request. By way of clarification of the requested information, he provided the Cabinet Office with a link to a Department for Culture Media and Sport (DCMS) website that refers to the standards.

## Scope of the case

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9. The complainant contacted the Commissioner on 8 April 2013 to complain that, despite providing clarification of his request, the Cabinet Office had still not responded to his request.

## Reasons for decision

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10. Section 1(1) of FOIA 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."*

11. Under section 1(3) of FOIA:

*"Where a public authority –*

*(a) reasonably requires further information in order to identify and locate the information requested, and*

*(b) has informed the applicant of that requirement,*

*the authority is not required to comply with the request until that further information is provided".*

12. Section 10(1) of FOIA provides that 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.

13. The Commissioner understands that, despite having provided the clarification requested, at the time of writing the complainant has received no response to his request. Consequently the Commissioner finds that the Cabinet Office has breached section 10(1) of FOIA by failing to comply with its obligations under section 1(1).

## Right of appeal

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14. 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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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 .....**

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**