

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **3 October 2013**

Public Authority: **Cabinet Office**

Address: **70 Whitehall
London
SW1A 2AS**

Decision (including any steps ordered)

1. The complainant requested information concerning an increase in contributions for members of the Civil Service Pension Scheme. The Cabinet Office did not respond to this request.
2. The Commissioner's decision is that, in failing to respond to the request within 20 working days of receipt, the Cabinet Office breached section 10(1) of the FOIA.
3. The Commissioner requires the Cabinet Office to take the following steps to ensure compliance with the legislation.
 - Provide a full response to the request, compliant with the requirements of section 1 and, if necessary, section 17.
4. The Cabinet Office 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

5. On 5 March 2013, the complainant wrote to the Cabinet Office and requested information in the following terms:

"I am making a formal request for the actuarial and any other analysis that was carried out to determine the increase in contributions to be made by members of the Nuvos pension scheme with effect from next month."

6. At the time of writing the Cabinet Office had yet to provide a substantive response to this information request.

Scope of the case

7. The complainant contacted the Commissioner on 5 July 2013 to complain about the failure of the Cabinet Office to respond to his request and to ask that the Commissioner intervene to secure a response.
8. Shortly before the date of this notice the complainant confirmed that he had yet to receive a response from the Cabinet Office to his request.

Reasons for decision

9. Section 1(1) of the 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."

10. Section 10(1) of the 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.
11. In failing to respond to this request, the Cabinet Office has breached section 10(1) of the FOIA. At paragraph 3 above, the Cabinet Office is now required to respond to this request.

Other matters

12. As well as the decision above, the Commissioner would also note here his concern that the request in this case appears to have been ignored, even though the sending of an automated acknowledgement to the complainant indicates that the Cabinet Office did receive this request. A record has been made of the failure by the Cabinet Office to respond to the request in this case. The Cabinet Office must ensure that there is no repetition of this breach in relation to other requests.

Right of appeal

13. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

14. 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.
15. 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
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