

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 22 April 2015

Public Authority: Office of the First Minister and Deputy First Minister

Address: Castle Buildings
Stormont Estate
Belfast
BT4 3SR

Decision (including any steps ordered)

1. The complainant has requested information relating to the Central Good Relations Funding Programme administered by the Office of the First Minister and deputy First Minister (OFMDFM). OFMDFM has failed to respond to the request; therefore the Commissioner's decision is that OFMDFM has failed to comply with section 10(1) of the FOIA.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request:
 - Firstly, confirm or deny that the requested information is held (or, if the public authority decides to refuse to confirm or deny that any of the requested information is held, a refusal notice should be issued that complies with the requirements of section 17 of the FOIA).
 - Secondly, and subject to the above, if the information is held the public authority must either disclose the requested information or, if it wishes to withhold any information, issue a refusal notice in relation to the information it wishes to withhold and disclose the remainder.
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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 2 September 2014 the complainant requested the following information from OFMDFM:

"My request relates to OFMDFM Central Good Relations Funding Programme for the period 2014/2015.

Please detail:

1

- (a) The organisations that submitted funding applications and the amount requested by each organisation per application*
- (b) The organisations that received an offer of funding and for what period*
- (c) Process used to inform each organisation of the funding decision for their application*
- (d) The total amount offered in each instance*

I would also be grateful if you could forward me a copy of:

2 The decision making process for awarding Central Good Relations Programme funding

- (a) How each application was scored including the scoring matrix*
- (b) Details of the awarding panel*
- (c) Details of the scores awarded to Lower Ormeau Residents' Action Group for the application for 2014_2015 Central Good Relations Funding application"*

5. The complainant wrote to OFMDFM on 13 October 2014 and 5 November 2014 as she had not received a response to her request.
6. OFMDFM wrote to the complainant on 17 November 2014. OFMDFM explained that any complaint about its handling of an FOIA request was dealt with under OFMDFM's internal review procedures. However, as OFMDFM had not yet issued a substantive response it was of the view that an internal review would not be of any benefit. OFMDFM advised the complainant of her right to appeal to the Information Commissioner.

Scope of the case

7. The complainant contacted the Commissioner on 27 February 2015 to complain that she had not received a response to her request.
8. The Commissioner wrote to OFMDFM on 30 March 2015 to request that it respond to the complainant's request. However the complainant did

not receive any further response from OFMDFM. Nor did the Commissioner receive a formal response to his letter.

Reasons for decision

Section 1: general right of access **Section 10(1): time for compliance**

9. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
10. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
11. Despite the Commissioner's intervention, OFMDFM has failed to respond to the complainant's request. OFMDFM has failed to confirm or deny that it holds the requested information, and has neither disclosed the requested information nor provided a valid refusal notice.
12. The Commissioner therefore finds OFMDFM in breach of section 10(1) of the FOIA.

Other matters

13. In a previous decision notice relating to OFMDFM¹ the Commissioner acknowledged that there may be rare cases in which a public authority may fail to meet the statutory time for response. However there is no reason why the authority should not contact the applicant to advise that the response will not be issued in accordance with the time limit set out in the FOIA. As the Commissioner commented,

"...it is both courteous and necessary to keep the applicant informed."

¹ Decision notice FS50554838, issued 16 October 2014

Right of appeal

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 123 4504
Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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 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

Alexander Ganotis
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF