

**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)
Decision notice**

Date: 13 November 2018

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

Decision (including any steps ordered)

1. The complainant requested specific information relating to engagements between the public authority and a private company. The information requested included project dates, meeting minutes and memos linked to the field of robotics process automation.
2. The Commissioner's decision is that Cabinet Office ("the public authority") failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 20 July 2018, the complainant wrote to the Cabinet Office and requested information in the following terms:

"Can you please release to me,

1. A list of all RPA engagements between OGDs and Cabinet Office / CapGemmin? Can you please put this list in a Spreadsheet format and include OGD, project dates, list of processes (if held), RPA tool(s) deployed (if held) and overall values of the contract (if held).

2. MoUs, memos, meeting minutes and any other founding documents establishing the rationale and governing protocols relating to the relationship between Cabinet Office and CapGemini. I am looking for primary documentation not just promotional / publicity material. Please include drafts in your materials search."

6. The public authority acknowledged the request on 23 July 2018 but had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 20 September 2018 to complain about the failure, by the public authority, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the public authority on 3 October 2018 to highlight the outstanding response. She requested that the Cabinet Office respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 1 November 2018 to request a decision notice considering the Cabinet Office's compliance with the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA states 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. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) *is in writing,*
 - (b) *states the name of the applicant and an address for correspondence, and*
 - (c) *describes the information requested.*
12. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
13. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
14. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the public authority has breached Section 10 of the FOIA.

Right of appeal

15. 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: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Jonathan Slee
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