

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 December 2019

Public Authority: Civil Nuclear Constabulary
Address: Culham Science Centre
Abingdon
Oxfordshire
OX14 3DB

Decision (including any steps ordered)

1. The complainant requested information from the Civil Nuclear Constabulary (CNC) about an incident at Sellafield.
2. The Commissioner's decision is that CNC has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires CNC to take the following step to ensure compliance with the legislation.
 - CNC must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. CNC must take this step 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 6 August 2019, the complainant wrote to CNC and requested information in the following terms:

"I have been lead to believe that the CNC dealt with this incident on the Sellafield Site, so I am asking for details of the subsequent investigation under FOI legislation as this is in the public interest."

6. CNC did not acknowledge the request. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 8 November 2019 to complain about CNC's failure to respond to their request.
8. The Commissioner has considered whether CNC has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. 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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
11. On 21 November 2019 the Commissioner wrote to CNC, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention CNC has failed to respond to the complainant.

13. From the evidence provided to the Commissioner in this case, it is clear that CNC did not deal with the request for information in accordance with the FOIA. The Commissioner finds that CNC has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

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 1234504

Fax: 0870 739 5836

Email: grc@justice.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 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

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