

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 July 2021

Public Authority: Foreign, Commonwealth and Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant requested from the Foreign, Commonwealth and Development Office ("FCDO") any information relating to the Home Secretary's visit to police stations in Bahrain in December 2020. The FCDO had failed to provide a substantive response by the date of this notice.
2. The Commissioner's decision is that the FCDO failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the FCDO to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, in accordance with its obligations under the FOIA, to the request.
4. The FCDO 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 22 March 2021, the complainant wrote to the FCDO and requested information in the following terms:

"a copy of any and all information (in whatever form eg. memos, reports, schedules, messages, emails) related to Home Secretary Priti Patel's visit to police stations in Bahrain in Dec 2020, including risk assessments prior to the visit and any internal reports following it.

If this is still too broad I would like the above request to be executed in relation to the Home Sec's visit to Muharraq Police Station, and all documents prior to, during, and following the visit that relate or refer to it, while also including a list of any other police stations in Bahrain she may have visited during that time.

I would like the information in electronic format. If this work is expected to exceed £449 in cost, you may limit the information to documents between July 2019 to the date of processing this request, to a cost of £449 but you must justify such limit by providing a full breakdown of the time taken to find and redact the documents."

6. The FCDO acknowledged the request 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 21 June 2021 to complain about the failure, by the FCDO, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the FCDO on 23 June 2021 to highlight the outstanding response. She requested that the FCDO respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The scope of this notice and the following analysis is to consider whether the FCDO has complied with section 10 of 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 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.*"

12. 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 FCDO has breached section 10 of the FOIA.

Other matters

13. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under 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: 0203 936 8963

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

Susan Duffy
Senior Case Officer
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Water Lane
Wilmslow
Cheshire
SK9 5AF