

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 August 2021

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

Decision (including any steps ordered)

1. The complainant requested information about the work of the Racial Inequalities Commission. The Cabinet Office did not respond to the request.
2. The Commissioner's decision is that the Cabinet Office has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Cabinet Office 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 1 May 2021, the complainant wrote to Munira Mirza, the Director of the Number 10 Policy Unit, to express his concerns about the lack of mention of Gypsy, Roma and Traveller ("GRT") communities in the recently published report of the Racial Inequalities Commission. However, at the end of that letter, he clearly requested information in the following terms:

"Under freedom of Information:

"[1] How many meetings were held with each of the GRT organisations listed in the report's annexes?"

"[2] Who on the Commission was given the specific responsibility to look closely at the situation of GRT communities?"

"[3] What additional research was requested by the Commission on the situation of GRT communities."

6. The Cabinet Office did not acknowledge the request and had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 11 June 2021 to complain about the failure, by the Cabinet Office, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the Cabinet Office on 5 July 2021 to highlight the outstanding response. As she had not been provided with definitive evidence to show the request had been received, she also attached a copy of the request and asked the Cabinet Office to respond to the request within 20 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 15 August 2021 to request a decision notice considering the Cabinet Office's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether the Cabinet Office has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. 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.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. 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.*"

15. 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 Cabinet Office has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Roger Cawthorne
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