

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 November 2022

Public Authority: Foreign, Commonwealth and Development Office

Address: King Charles Street
London
SW1A 2AH

Decision (including any steps ordered)

1. The complainant has requested information from the Foreign, Commonwealth and Development Office (FCDO) about Lord Barker of Battle. At the date of this notice, FCDO has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - FCDO has breached section 10(1) of FOIA as it has not provided a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's request of 11 April 2022 that complies with FOIA.
4. FCDO 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 11 April 2022, the complainant wrote to FCDO and requested information in the following terms:

“Please provide a copy of all correspondence between

-Lord Barker of Battle

-Schillings

-Any other legal representative of Lord Barker of Battle,

And the FCDO in relation to

-The release of information about Lord Barker in response to his meeting between Lord Barker of Battle and Sir Alan Duncan MP on 4 June 2018.

-Any other disclosure of information about Lord Barker.

Please note that Lord Barker, as a peer of the realm and as chairman of a company linked to a sanctioned Russian oligarch, can have no reasonable expectation of privacy around his professional affairs given the current Russian aggression in Ukraine making transparency clearly in the public interest....”

6. The complainant clarified aspects of their request the same day.
7. The complainant did not go on to receive a response to the request and contacted the Commissioner on 20 October 2022.
8. The Commissioner wrote to FCDO on 31 October 2022 and instructed it to provide a response to the request within 10 working days. On 11 November 2022 FCDO advised the Commissioner that it would not be able to meet that deadline.

Reasons for decision

Section 10 – time for compliance

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to them if it is held and is not subject to an exemption.

10. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
11. The complainant submitted their request to FCDO on 11 April 2022 and to date has not received a response under section 1(1). FCDO has therefore breached section 10(1) with regards to this request.

Right of appeal

12. 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@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF