

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2023

Public Authority: Channel Four Television Corporation

Address: 124 Horseferry Road

London

SW1P 2TX

Decision (including any steps ordered)

1. The complainant requested information from Channel Four Television Corporation (Channel Four) about the number of refusal notices it issued in the past five years and how many went to internal review.
2. The Commissioner's decision is that Channel Four breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 9 September 2022, the complainant made the following request for information:

"The ICO has recently confirmed that failure to inform requesters of their rights under Section 50 of the FOIA constitutes a breach of Section 17(7)(b) of the FOIA.

I brought this to your attention on more than one occasion at the end of last year, as I believed you were consistently issuing refusal notices in breach of Section 17(7)(b), yet I was told refusal notices were not required to inform requesters of their rights under Section 50 of the FOIA.

The Act is very clear regarding Section 17(7)(b), as is ICO guidance, and indeed the Cabinet Office's guidance of Section 45 of the Act further goes on to reinforce this requirement - I believe as doing so gives complainants greater confidence and information when asking for an internal review.

Could you please tell me, under the Act, how many refusal notices you have issued in the past 5 years that did not include details of the requester's rights under Section 17(7)(b) of the Act, how many of those went on to request an internal review, and how many of those reviews were successful.”

4. Channel Four responded to the request for information on 11 October 2022.

Scope of the case

5. The complainant contacted the Commissioner on 21 December 2022 to complain about Channel Four’s failure to respond to their request within the statutory time frame of FOIA.
6. The Commissioner has considered whether Channel Four has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

7. Section 1(1) of 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.”
8. Section 10(1) of 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”.
9. From the evidence provided to the Commissioner in this case, it is clear that Channel Four did not deal with the request for information in accordance with FOIA. The Commissioner finds that Channel Four has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF