

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 16 September 2022

**Public Authority:** Health and Safety Executive (HSE)  
**Address:** Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified. Regulation 18 of the Environmental Information Regulations ("the EIR") applies this provision to complaints arising under the EIR.

### **Application under section 50**

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1. The Commissioner has received an application under section 50, reference IC-137337-R5P1 and IC-138712-R1T5, for decisions on whether requests for information made by the complainant to the HSE

on 22 January 2021, have been dealt with in accordance with the requirements of Part I of the Act.

## **Nature of complaint**

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2. The Commissioner wrote to the HSE on 15 July 2022 setting a 20 working day deadline for it to provide its justification for applying the exemption under section 14(2) of FOIA or the equivalent under the EIR to the requests. That correspondence and the follow up correspondence the Commissioner sent to HSE on 31 August 2022 and 12 September 2022 have been neither acknowledged nor responded to at the date of this notice.
3. In view of the previous difficulties experienced in obtaining submissions from the HSE, as the HSE has missed its deadline and not communicated with him, the Commissioner considers it appropriate to proceed to an Information Notice.

## **Information required**

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4. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that the HSE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - A substantive response to the Commissioner's letter of 15 July 2022 in respect of both complaints: IC-137337-R5P1 and IC-138712-R1T5.

## **Failure to comply**

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5. Failure to comply with the step described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

## **Right of appeal**

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6. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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](mailto:grc@Justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

7. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

## **Signed**

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