

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

### **Information notice**

**Date:** 30 January 2024

**Public Authority:** Cabinet Office

**Address:** 70 Whitehall  
London  
SW1A 2AS

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (FOIA), 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 FOIA.

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in FOIA 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.

### **Application under section 50**

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1. The Commissioner has received an application under section 50, reference IC-176955-T2V4, for a decision whether a request for information made by the complainant to the Cabinet Office on 16 March

2022 has been dealt with in accordance with the requirements of Part I of FOIA.

## **Nature of complaint**

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2. The complainant contacted the Commissioner on 20 June 2022 and 30 June 2022 to complain about the way their request for information had been handled. The complainant has asked the Commissioner to decide whether the Cabinet Office was correct to rely on section 35(1)(a) of FOIA (the exemption for the formulation or development of government policy) to refuse to disclose the information they requested on 16 March 2022.
3. The Commissioner wrote to the Cabinet Office on 19 July 2023 regarding the complaint. He asked for a copy of the withheld information and the Cabinet Office's full and final submissions, including answers to his standard questions relevant to the exemption being relied upon.
4. To date, the Cabinet Office has not provided its substantive response to the Commissioner's letter of 19 July 2023.

## **Information required**

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5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Cabinet Office shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - A copy of the withheld information.
  - A substantive response to the Commissioner's letter of 19 July 2023.

## **Failure to comply**

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6. Failure to comply with the steps 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 FOIA,  
and may be dealt with as a contempt of court.

## Right of appeal

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7. 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)

8. 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 .....**

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