

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 September 2021

Public Authority: Department for Education
Address: Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Decision (including any steps ordered)

1. The complainant requested information from the Department for Education ("the DfE") about email correspondence regarding the "One Britain One Nation Day" initiative.
2. The Commissioner's decision is that the DfE failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the DfE to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The DfE 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 23 June 2021, the complainant wrote to the DfE to request information under the Freedom of Information Act in the following terms:

"Please could you kindly provide any internal email correspondence in June 2021 related to the "One Britain One Nation Day" initiative, including leading to the publication of this tweet: <https://twitter.com/educationgovuk/status/1406990765906145281>"

6. DfE sent an automated email to the complainant on 23 June 2021 to acknowledge the request and provide a reference number.
7. On 21 July 2021, the DfE wrote to the complainant to apologise for the delay in providing a response to his request for information. It advised that a full response would be issued in due course.
8. On 13 August 2021, the complainant wrote to the DfE for an update on his request.
9. By the date of this notice, the DfE had not provided a substantive response to the request.

Scope of the case

10. The complainant contacted the Commissioner on 19 August 2021 to complain about the DfE's failure to respond to the request.
11. The Commissioner contacted the DfE on 7 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. The Commissioner also contacted the complainant on 7 September 2021 to explain that the DfE had been given 10 working days from that date within which to provide a response to their request.
13. The scope of this notice and the following analysis is to consider whether the DfE has complied with section 10 of the FOIA.

Reasons for decision

14. 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.*

15. Section 10(1) 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.*"

16. The DfE did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the DfE has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.
19. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF