

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date 28 March 2007

**Public Authority:** Cabinet Office  
**Address:** 70 Whitehall  
London  
SW1A 2AS

### Summary

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The complainant wrote to the public authority requesting information related to issues of housing, social security benefits and legal aid. In response the Cabinet Office said that it was not obliged to comply with the request as it considered it to be a repeated request under section 14 of the Act. After investigating the complaint the Commissioner finds that the public authority has previously complied with substantially similar requests from the complainant and was therefore not obliged to comply with the most recent request.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 19 June 2006 the complainant wrote to the public authority to request information related to the provision of housing, social security benefits and legal aid granted to individuals including Abu Hamza and what the complainant referred to as other "Muslim Clerics". The complainant also asked a number of questions pertaining to his own situation in respect of the provision of housing and social security benefits. The complainant sought to draw a comparison between his own situation and that of Abu Hamza and asked that the Cabinet Office also provide him with information related to what he perceived to be an unfair discrepancy between their respective circumstances.
3. The public authority responded to the complainant's request on 31 August 2006 stating that it believed that the request fell under section 14 of the Act. The public

authority explained that the request was substantially similar to previous requests made by the complainant and that therefore section 14(2) of the Act applied.

## The Investigation

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### Scope of the case

4. On 11 September 2006 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the public authority's decision not to comply with his information request of 19 June 2006.
5. The Commissioner also considered the public authority's failure to respond to the request within 20 working days.

### Chronology

6. On 12 December 2006 the Information Commissioner wrote to the public authority to request copies of its responses to the complainant's previous requests which were, in its opinion, substantially similar to the request of 19 June 2006.
7. The public authority responded to the Commissioner on 25 January 2007 and provided copies of its previous responses to the complainant's requests.

### Findings of fact

8. The public authority confirmed that it received the complainant's request on 22 June 2006.
9. The complainant made requests for information under the Act to the public authority on 19 October 2005, 7 November 2005, 6 December 2005, 11 January 2006, 16 February 2006, 20 February 2006, 18 April 2006, 4 May 2006 and 19 June 2006. The public authority responded to the requests in letters dated 31 October 2005, 7 December 2005, 5 January 2006, 20 March 2006, 19 May 2006 and 31 August 2006.

## Analysis

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### Procedural matters

10. A full text of the relevant statutes referred to in this section is contained in the legal annex.
11. Section 14(2) of the Act provides that:

Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

12. The Commissioner is satisfied that the complainant's request of 19 June 2006 was substantially similar to previous requests he had made to the public authority. This is because the previous requests, whilst they may have been phrased differently, all asked for information or asked questions regarding the provision of social security benefits, housing and legal aid. In particular the complainant had described his difficulties obtaining the type of housing he required and his inability to be granted legal aid. The complainant had also previously asked questions regarding legal aid and other benefits granted to Abu Hamza.
13. The public authority responded to the complainant's earlier requests by explaining that it did not hold the information he had requested. For instance, the public authority responded to the complainant's request of 19 October 2005 on 31 October 2005 stating that it did not hold the information he had requested and that it had forwarded his request to the Department for Constitutional Affairs as this is the department responsible for the legal aid issues the complainant had enquired about.
14. The public authority has now explained to the Commissioner that it does not hold the information the complainant had requested on 16 June 2006 and in his earlier requests because the issues he raised fall outside the remit of the Cabinet Office. The public authority has explained that it has previously advised the complainant that he may wish to consult his local authority or Citizen's Advice Bureau about his legal aid and personal housing queries.
15. The Commissioner accepts that the public authority has a defined remit and that the information requested by the complainant is not held by the public authority. The Commissioner is therefore satisfied that the public authority has complied with a previous request substantially similar to his request of 19 June 2006.
16. The Commissioner has considered both the nature and frequency of the complainant's earlier requests and is satisfied that no reasonable interval had elapsed which would have obliged the public authority to comply with the request of 19 June 2006.
17. Section 17 of the Act states that if a public authority refuses to comply with a request for information it must provide the complainant with a refusal notice within the time for complying with section 1(1) of the Act. However section 17 also provides that a public authority is not obliged to issue a refusal notice where it has already supplied the applicant with a refusal notice in relation to a previous request stating that it is relying on section 14 and it would be unreasonable in the circumstances to provide the complainant with a further notice.
18. The Commissioner recognises that by responding to the request on 31 August 2006 the public authority failed to respond within 20 working days. However,

given that the public authority had previously supplied the complainant with several notices under section 17 informing him that his request fell under section 14 of the Act, and given the frequency of the requests; the Commissioner is of the opinion that it would be unreasonable to expect the public authority to provide the complainant with a further refusal notice. Therefore the Commissioner finds that the public authority did not breach the act by failing to respond to the request within 20 working days.

## **The Decision**

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19. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

## **Steps Required**

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20. The Commissioner requires no steps to be taken.

## Right of Appeal

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21. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 28<sup>th</sup> day of March 2007**

**Signed .....**

**Jane Durkin  
Assistant Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## Legal Annex

### Section 10

- (1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt

### Section 14

- (2) Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with a previous request and the making of the current request.

### Section 17

- (5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.
- (6) Subsection 5 does not apply where-
  - (a) the public authority is relying on a claim that section 14 applies,
  - (b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and
  - (c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.