

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2012

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant wrote to the Cabinet Office ("the CO") on 15 March 2011 asking a question addressed to the Minister for the Civil Society as a Freedom of Information request.
2. The Information Commissioner's decision is that the question was not a request for information as defined by section 8 of the FOIA (Request for Information) and therefore does not require consideration under section 1(1).
3. The Commissioner requires no steps to be taken

Request and response

4. On 15 March 2011 the complainant posed the following question:

"Action and Freedom of Information Request

If the Government agrees that Ministers should always take seriously any constructive suggestions and criticisms from members of the public, will you please confirm that this requirement will be made clear to all Departments.

If you disagree, I would appreciate your reasons."

5. On 13 April 2011 the CO acknowledged three 'recent' letters sent to the Minister for Civil Society advising the complainant that the letters had been forwarded to the relevant officials and departments for their information. The letter informed the complainant of the following:

"Unless you have a new comment about core Cabinet Office business we will be unable to respond to any further correspondence."

6. The complainant responded stating that he had only sent one letter to the Minister for Civil Society although other letters had been addressed to other members of Government.

Scope of the case

7. The complainant contacted the Commissioner on 14 October 2011 to inform him that he had not received responses to his several requests and recommendations (including the letter of 15 March 2011) regarding "the widespread adoption of the Prime Minister's philosophy". The philosophy being, "the Prime Minister's assurance that 'the best ideas come from the ground up, not the top down' and that it was intended 'to take power from politicians and give it to the people'".
8. Following a response from the Commissioner the complainant wrote again on 23 November 2011 in order to provide the Commissioner with some of his correspondence with various ministers and senior CO staff. The complainant asked the Commissioner to "take urgent action to ensure that I am given meaningful answers to the very important questions I have raised."
9. The Commissioner wrote to the complainant on 29 February 2012 explaining that he had written to the CO to ask it to revisit the complainant's requests dated 8 January 2011, 15 March 2011 and 18 March 2011.
10. On 25 April 2012 the CO wrote to the complainant apologising for the delay in responding to his request and explaining that it did not consider the complainant's letter of 15 March 2011 to contain a valid request for information for consideration under the FOIA.

Reasons for decision

Section 8 – Request for information

11. Section 8 of the FOIA provides the definition of a request for information in the FOIA as given below:

"In this Act any reference to a "request for information" is a reference to such a request which-

- (a) is in writing

- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested.”
12. The Commissioner has relied on previous Tribunal decisions and his own guidance to consider whether the complainant’s letter of 15 March 2011 contained a request for information as determined by section 8 of the FOIA. He determined that the section of the letter headed “Action and Freedom of Information Request” did not amount to a request for information because the FOIA only extends to requests for recorded information.
 13. The CO informed the Commissioner that the complainant has for many years corresponded with many government departments sharing his opinions and offering advice on the work of various departments in many respects. This correspondence often takes the form of a discourse with the conclusion to the complainant’s letters detailing actions to be taken and frequently including a request for information.
 14. In this case the ‘request’ followed the content of a letter headed “Measures urgently needed to greatly increase the value of Big Society to the country”. The complainant expressed his “unhappy position” that in recent years he had “offered a large range of proposals to major Departments for improving their procedures, yet invariably the response has been negative” and went on to cite two examples. The complainant suggested reasons for “Government aloofness” as follows:

“(i) Human reluctance to admit any shortcomings, which is particularly evident in most politicians, and places many on a par with dodgy second hand car salesmen.

(ii) The long-standing Rule that only MPs may correspond with Ministers, which is an insult to intelligent members of the public who are quite capable of presenting a strong case to a Minister, without being obliged to overload their MP. Indeed in 2008 my own MP advised me that he could no longer cope with the volume of correspondence I was sending him!”
 15. The Commissioner has considered the tenor of the complainant’s letter and understands the ‘action point’ he concludes with. However, the request for confirmation or reasons for disagreeing with the complainant’s views are not requests for recorded information nor are they questions which could be answered from other recorded information held by the CO.
 16. The Commissioner notes that the CO did not approach the complainant for any clarification in this case; however, he is satisfied that the CO

was accurately aware of the complainant's requirements which were not a matter for the FOIA but which could possibly have been responded to under the normal course of business.

17. In conclusion, therefore, the Commissioner is satisfied that the CO was not under a duty to respond to the letter of 15 March 2011 under the terms of the FOIA. Consequently the complainant's dissatisfaction with the nature of the CO's response to that letter is not a matter which the Commissioner is able to address further.

Right of appeal

18. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

19. 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.
20. 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

Alexander Ganotis
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