

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 January 2020

Public Authority: Cabinet Office

Address: 70 Whitehall
London
SW1A 2AS

Decision (including any steps ordered)

1. The complainant requested a variety of information relating to the content and findings of the "BIT Study", the evidence compiled in support of it, and the terms of reference which resulted in the study's undertaking.
2. The Commissioner's decision is that the Cabinet Office failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner does not require any steps to be taken in response to this notice.

Request and response

4. On 19 June 2019, the complainant wrote to the Cabinet Office seeking a variety of information relating to the content and findings of the "BIT Study", the evidence compiled in support of it, and the terms of reference which resulted in the study's undertaking.
5. In the same letter, the complainant explained that the "BIT" referred to the Behavioural Insight Team, "a social-purpose company part-owned by the Cabinet Office". The complainant also explained that the "BIT Study" referred to the study or studies, including related research and analysis, as presented by the BIT at a conference of the Society of Evidence Based Policing, and as referred to in a *Police Professional* article (a copy of which was provided).
6. The Cabinet Office acknowledged the request on 28 June 2019.
7. The complainant wrote to the Cabinet Office on 29 July 2019 and 25 September 2019 respectively to chase the outstanding request.
8. The Cabinet Office issued a response to the request on 15 November 2019, stating that the requested information was not held. The Cabinet Office provided the complainant with the contact details of another public authority which might be able to assist with the request.

Scope of the case

9. The complainant contacted the Commissioner on 8 November 2019 to complain about the failure, by the Cabinet Office, to respond to the request.
10. In line with her usual practice, the Commissioner contacted the Cabinet Office on 26 November 2019 to highlight the apparently outstanding response.
11. The Cabinet Office wrote to the Commissioner on 27 November 2019 stating that it has issued its response to the complainant on 15 November 2019. They provided the Commissioner with a copy of this response.
12. The complainant contacted the Commissioner on 20 December 2019 to request a decision notice considering the Cabinet Office's compliance with the FOIA.

13. The scope of this notice and the following analysis is therefore to consider whether the Cabinet Office 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 8(1) of the FOIA states:

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.*

16. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

17. Section 10 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.*"

18. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Cabinet Office has breached section 10 of the FOIA.

Right of appeal

19. 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: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

20. 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.
21. 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

Phillip Angell
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