

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2022

Public Authority: The Department for Digital, Culture, Media and Sport

Address: 100 Parliament Street
London
SW1A 2BQ

Decision (including any steps ordered)

1. The complainant requested information from the Department for Digital, Culture, Media and Sport (DCMS) relating to parties that may have taken place at DCMS. By the date of this notice DCMS had not issued a substantive response to this request.
2. The Commissioner's decision is that DCMS has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires DCMS to take the following step to ensure compliance with the legislation.
 - DCMS must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. DCMS must take this step 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 13 December 2021, the complainant wrote to DCMS and requested information in the following terms:

"I'm writing to you under the Freedom of Information Act (2000) to ask that you disclose emails sent between 3 or more people copied in between the 15th - 24th December, and 15th-31st November 2020 containing the following words: "party/ies", "santa", "christmas", "wine", "drink/s", "gathering", or "quiz"."

6. DCMS responded on 17 December 2021 and refused to provide the requested information citing section 12 (cost limit) of the FOIA as its basis for doing.

7. On 17 December 2021, the complainant submitted a refined request for information to DCMS. The complainant requested information in the following terms:

"I'm therefore asking you to remove the November dates, and to hone this request in that way. It is not, as you say, "clear that this would exceed the cost limit", quite the contrary, in fact it's clear to any reasonable person that this would in no way do so, as it primarily involves keyword searching in an email client across a 3 day period. You could, no matter how many staff you have, complete this in a matter of a few hours, which is a generous time frame to allow. To further hone this request however, as well as removing the dates for November [sic], I'd also like to focus on central DCMS offices, not any of the devolved departments or bodies under it's [sic] remit."

8. DCMS responded on 20 January 2022. It refused to provide the requested information citing section 12 of the FOIA as its basis for doing so.

9. On 9 February 2022, the complainant submitted a further refined request for information to DCMS. The complainant requested information in the following terms:

"Thank you for your response, you'll understand I can't take the information that there were no parties "in DCMS" on face value, given the circumstances that have resulted in "partygate" becoming a national scandal were in the first instance lied about by those involved. There could have been a party that was organised over DCMS Emails, but didn't take place in the offices, if that makes sense.

However, I'm happy to refine my request to include only Emails in which the following people were tagged:

[Names redacted]"

10. DCMS wrote to the complainant on 10 February 2022 to acknowledge the request. By the date of this notice, DCMS had not provided the complainant with a substantive response to the request.

Scope of the case

11. The complainant contacted the Commissioner on 6 April 2022 to complain about DCMS' failure to respond to their request.
12. The Commissioner has considered whether DCMS has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

13. 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."
14. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
15. On 20 April 2022 the Commissioner wrote to DCMS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
16. Despite this intervention, DCMS has failed to respond to the complainant.
17. From the evidence provided to the Commissioner in this case, it is clear that DCMS did not deal with the request for information in accordance with the FOIA. The Commissioner finds that DCMS has breached section

10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF