

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2022

Public Authority: Department for Business, Energy and Industrial Strategy

Address: 1 Victoria Street
London
SW1H 0ET
United Kingdom

Decision (including any steps ordered)

1. The complainant requested information about annual reports on the activities of Bank of England Nominees Ltd. By the date of this notice the Department for Business, Energy and Industrial Strategy ("BEIS") had not issued a substantive response to this request.
2. The Commissioner's decision is that BEIS has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days. The Commissioner requires it to provide the complainant with a response to this request within 35 calendar days in accordance with its obligations under FOIA.
3. BEIS 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 19 October 2020 the complainant wrote to BEIS and requested information in the following terms:

"Bank of England Nominees Ltd was a subsidiary company of the Bank of England. It was incorporated in 1977 and dissolved three

years ago. We understand its role as being to hold shares for heads of state.

On 21 April 1977, in response to a question about companies exempted from transparency requirements under the the Companies Bill 1976, then-trade minister Stanley Clinton-Davis told parliament: "Bank of England Nominees Ltd. has also undertaken to make a report annually to the Secretary of State for Trade of the identity of those for whom it holds securities, and, provided that it holds securities for two or more people, the total value of the securities held. The contents of such reports are to be confidential to the Secretary of State.

1) Please can you provide us with a list of all the years for which such annual reports on the activities of Bank of England Nominees were submitted to the government.

2) Please can you provide us with copies of all such annual reports on the activities of Bank of England Nominees Ltd held by BEIS."

5. BEIS acknowledged the request on 3 November 2020. BEIS continued to correspond with the complainant about this request for information until 20 June 2022. To date, a substantive response has not been issued.

Scope of the case

6. The complainant contacted the Commissioner on 23 August 2022 to complain about BEIS's failure to respond to their request.
7. The Commissioner has considered whether BEIS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

8. Section 1(1) of 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."

9. Section 10(1) of 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".
10. On 1 September 2022 the Commissioner wrote to BEIS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. Despite this intervention BEIS has failed to respond to the complainant.
12. From the evidence provided to the Commissioner in this case, it is clear that BEIS did not deal with the request for information in accordance with FOIA. The Commissioner finds that BEIS 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 FOIA.

Right of appeal

13. 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

14. 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.
15. 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

Mike Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF