

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 4 April 2024

Public Authority: Department for Education
Address: Sanctuary Buildings, Great Smith Street
London SW1P 3BT

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received applications under section 50, references IC-280099-K0H0, IC-279948-J9G4 and IC-279961-B9Q7 for a decision on whether requests for information made by the complainant to DfE on 8 September 2023 and 3 August 2023, have been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. **IC-280099-K0H0** – the complainant is dissatisfied with DfE’s application of sections 36(2)(b), 36(2)(c), 41, 42 and 43 of FOIA to part 2 of their request.

IC-279948-J9G4 – the complainant is dissatisfied with DfE’s application of regulation 12(4)(e) of the EIR to withhold the requested information.

IC-279961-B9Q7 – the complainant is dissatisfied with DfE’s application of 36(2)(b) and 36(2)(c) of FOIA to withhold the requested information.

3. The Commissioner wrote to DfE on 2 April 2024 about all three cases and requested submissions from DfE by close of Tuesday 16 April 2024.
4. On 2 April 2024 DfE requested extensions on the three cases to the close of 30 April 2024.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that DfE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:

- Substantive responses to the Commissioner’s three letters to DfE of 2 April 2024 that fully address the matters raised in those letters.
- Copies of the information DfE is withholding in the three cases.

Failure to comply

6. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF