

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 23 May 2024

Public Authority: Health and Safety Executive
Address: 1.3 Redgrave Court
Bootle
Merseyside
L20 7HS

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 an application under section 50, reference IC-286463-K4Y3, for a decision whether a request for information made by the complainant to the Health and Safety Executive (‘HSE’) on 11 December 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to HSE on 30 April 2024, instructing it to provide its submissions in respect of the complaint.
3. HSE wrote to the Commissioner on 16 May 2024 to advise it was applying additional exemptions. It provided a brief explanation of why it thought the exemptions applied, but did not provide the Commissioner with enough detail to reach a decision.
4. HSE still needs to provide the Commissioner with satisfactory submissions concerning the original and additional exemptions. The Commissioner is therefore imposing a formal legal deadline for it to provide these submissions.

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 HSE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A substantive response to the questions posed in the Commissioner's "Key Questions for Public Authorities"¹ for each exemption HSE is relying on, including the public interest test(s) where relevant.
 - A copy of the withheld information

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.

¹ [Key Questions for Public Authorities – Freedom of Information Act 2000 | ICO](#)

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.

Keeley Christine
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Wycliffe House
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