

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 5 July 2024

Public Authority: Foreign, Commonwealth & Development Office
Address: King Charles Street
London
SW1A 2AH

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-304449-S5L3, for a decision whether a request for information made by the complainant to the Foreign, Commonwealth & Development Office (FCDO) on 30 October 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant submitted the following request to the FCDO on 30 October 2023:

“Please provide a copy of any correspondence between the Foreign and Commonwealth Office and the British High Commission in Sri Lanka related to David Cameron's involvement with the Colombo Port City, from 1st January 2023 to date.

If this would breach the cost limit, please limit the search to diplomatic telegrams ("diptels").”
3. The FCDO responded on 5 January 2024 and confirmed that it held information falling within the scope of the request but it considered this to be exempt from disclosure on the basis of sections 21 (information reasonably accessible to the applicant), 27(1)(a), (c) and (d) (international relations), and 40(2) (personal data) of FOIA.
4. The complainant contacted the FCDO on 10 January 2024 and asked it to conduct an internal review of this response.
5. Given the passage of time since the internal review had been requested – and not completed – the Commissioner accepted this as a valid complaint on 2 May 2024.
6. The Commissioner contacted the FCDO on 10 May 2024 and asked it to provide him with a copy of the withheld information and submissions to support the application of the various exemptions cited. The Commissioner asked for a response to be sent within 10 working days.
7. Having not received a response, the Commissioner chased this outstanding response on 3 June 2024.
8. The FCDO responded on 6 June 2024 and explained that there had been a delay in work commencing on this case but it would now do so.
9. The FCDO issued its internal review response to the complainant on 21 June 2024. It provided the complainant with a copy of the information it had sought to withhold on the basis of section 21 of FOIA, as well as also disclosing some other parts of the information falling within the scope of the request. However, the review concluded that the remaining information was exempt from disclosure on the basis of sections 27(1)(a), (c) and (d), and 40(2) of FOIA. At this stage the FCDO also confirmed to the Commissioner that it would provide a response to his letter of 10 May 2024 focusing on the remaining withheld information.

10. The Commissioner contacted the FCDO on 21 June 2024 and explained that if this response was not received by 28 June 2024 he would consider issuing an Information Notice.
11. To date, this response has not been sent.

Information required

12. 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 the FCDO shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A complete and unredacted copy of the information falling within the scope of the request clearly marked to show how the exemptions cited by the FCDO are being applied to the information.
 - A response to the questions set out in the Commissioner's letter of 10 May 2024 regarding the application of section 27 and section 40 of FOIA, and any comments the FCDO has on the complainant's grounds of complaint as set out in his request for an internal review. In providing this response the FCDO should highlight any parts of it that it would not wish to be included in a decision notice.

Failure to comply

13. 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

14. 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

15. 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.

Signed by

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