

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 17 December 2019

Public Authority: Department of Health and Social Care
Address: 39 Victoria Street
London
SW1H 0EU

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

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

she may serve the authority with a notice (in this Act 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 FS50829652, for a decision whether a request for information made by the complainant to the Department of Health and Social Care (DHSC) on 1 February 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. The complainant submitted the following request to the DHSC on 1 February 2019:

"Copies of all correspondence between the Infected Blood Policy team at DHSC and the Macfarlane Trust during the period 1st December 2018 - 31st January 2019."
3. On 22 March 2019 DHSC responded. It refused to comply with the request under section 12 FOIA as it considers it would exceed the cost limit to do so (when aggregated with seven other requests the complainant made around that time).
4. The complainant requested an internal review on 25 March 2019 as he considered that his request of 1 February 2019 was not the same or similar to any of the other requests. DHSC sent the outcome of its internal review on 9 April 2019. It upheld its original position.
5. The Commissioner wrote to the DHSC on 4 June 2019 further to the complainant's application under section 50 of the Act.
6. On 9 July 2019 the DHSC responded to the Commissioner's enquiries.
7. On 16 October 2019 the Commissioner wrote to the DHSC for further information.
8. DHSC asked for three extensions in October and November 2019.
9. To date, the Commissioner has not received the DHSC's response to her enquiries dated 16 October 2019.

Information required

10. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the DHSC shall, within 30 days of the date of this notice, furnish the Commissioner with a copy of the following information.
11. A full response to her letter dated 16 October 2019 (a copy of the correspondence is attached).

Failure to comply

12. 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 the Act, and may be dealt with as a contempt of court.

Right of appeal

13. 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: 0300 1234504

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

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

14. 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

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF