



Information Commissioner's Office
Promoting public access to official information
and protecting your personal information

Head of the Cabinet Office Private Offices Group
Cabinet Office
Propriety and Ethics Team
Room 118
70 Whitehall
London
SW1A 2AS

4 October 2008

Case Reference Number FS50215201

Dear

Complaint from FOIR requester

We have received a complaint from an individual using the pseudonym FOIR requester regarding a request made via the whatdotheyknow.com website on 13 July 2008 for "how much unused food, in terms of weight, was thrown out by Number 10 in the last 6 months?"

We note that there has already been correspondence with the complainant in regard to their request. In their last correspondence to you dated 27 August we note that they have made reference to the fact that their request may fall under the Environmental Information Regulations 2004 (EIR) rather than the Freedom of Information Act 2000 (FOIA).

After considering this matter we consider that the request does fall under the definition of environmental information given within section 2(1)(b) of the EIR under the term 'waste'. Within our guidance on 'What is environmental information?' we consider the term 'waste' can be broadly interpreted to mean anything discarded which would include household waste, industrial waste and commercial waste. This guidance can be found on our website (www.ico.gov.uk).

In regard to the use of a pseudonym it is noted that the EIR does not contain the equivalent determination of a valid request as set out in section 8 of the FOIA. Thus in relation to a request falling under the EIR we do not consider that the use of a pseudonym would constitute grounds for the refusal to address the request in accordance with the requirements of those regulations.



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Therefore we would ask that you please now provide a response in line with the EIR within 10 working days of receipt of this letter. We should be grateful if you could also provide a copy of your response to this office.

You should state whether or not the information is held in a recorded form. If it is held, you should either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the Freedom of Information Act or regulation 14 of the Environmental Information Regulations as appropriate. You can find more information on refusal notices, including a checklist of what such a notice should contain in the Commissioner's Good Practice Guidance No.1, available at:

http://www.ico.gov.uk/upload/documents/library/freedom_of_information/detailed_specialist_guides/foi_good_practice_guidance_1.pdf

For further advice on how to deal with freedom of information requests, please visit our website at www.ico.gov.uk or call our helpline on 08456 306060, or 01625 545745 if you prefer to use a National Rate number.

If you need to contact us about this matter, please quote the case reference number from the top of this letter.

Yours sincerely,
