

Information Rights Team  
Knowledge and Information Management  
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Ganesh Sittampalam  
[xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxxxx)

Our ref. RFI 3395

2 August 2010

Dear Mr Sittampalam

**RFI 3395 – procedures followed on initial receipt of correspondence addressed to a minister**

Thank you for your email of 15 July asking Defra to carry out an internal review of its late response to your request for copies of the procedures that Defra follows on initial receipt of correspondence addressed to a minister from:

- (a) the Prince of Wales
- (b) an MP
- (c) a member of the public

In accordance with Defra's internal review procedures, we have considered your appeal in discussion with colleagues who are handling your original request. We are dealing with your request under the Freedom of Information Act 2000 (FOIA).

**Summary**

Your request was received via the Whatdotheyknow.com website on 16 June and you received an automated acknowledgement the same day from Defra's Customer Contact Unit (CCU). The 20-working-day deadline for Defra's response fell on 15 July and you had received no further communication from us by that date. Defra's response to RFI 3395 is still outstanding and Defra is consequently in breach of section 10 of FOIA, which relates to the time for compliance with requests. Your complaint is therefore upheld.

I set out below a fuller explanation of our decision.



## **Chronology**

On 16 June you sent a request for information to Defra via the Whatdotheyknow.com website.

On 16 June Defra's Customer Contact Unit (CCU) sent an automated response acknowledging receipt of your request to your reference number at the Whatdotheyknow.com website.

On 15 July you contacted Defra again via the Whatdotheyknow.com website to point out that the response would be overdue if not completed within three hours and to request that Defra either supply the information immediately or treat your email as a request for an internal review.

On 15 July Defra's Customer Contact Unit (CCU) sent an automated response acknowledging receipt of your request to your reference number at the Whatdotheyknow.com website.

On 16 July Defra's Customer Contact Unit passed your request for an internal review to Val Hope in the Information Rights Team and she sent an acknowledgement to your reference number at the Whatdotheyknow.com website.

## **Timeliness (Section 10)**

We have considered whether Defra complied with the requirement in the FOIA to respond to a requester no later than 20 working days after the date of receipt of the request. Defra's response to RFI 3395 remains outstanding 33 working days after the date of receipt and therefore 13 working days after the 20-working-day deadline. Defra has therefore failed to comply with the FOIA, for which we apologise.

## **Investigation**

Having reviewed the handling of your request and the correspondence, I can see that Defra failed to respond to you within 20 working days of receipt of your request and did not contact you to explain the delay. I therefore uphold your complaint and offer our apologies.

I have contacted the team which is dealing with your original request for information. They have confirmed that you should receive the reply to your request shortly.

I hope that the above answers your letter satisfactorily. However, if you remain dissatisfied, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane



Wilmslow  
Cheshire  
SK9 5AF

<http://www.ico.gov.uk/complaints.aspx>

Yours sincerely,

**Caroline Smith**  
**Deputy Director Knowledge and Information Management**

