

From Mrs S Gardiner



Ministry of Defence

Head - Information Rights Team
Our reference: FOI2020/06563

Ministry of Defence
Main Building (Ground Floor, Zone D)
Whitehall
London SW1A 2HB
United Kingdom
Telephone [MOD]: +44 (0)20 780 89000
Email: CIO-FOI-IR@mod.gov.uk

Mr Gavin Roberts
Via email: request-669628-e77a629c@whatdotheyknow.com

28th August 2020

Dear Mr Roberts,

FREEDOM OF INFORMATION ACT 2000 – INTERNAL REVIEW

1. I am writing in response to your email of 2 August 2020 in which you requested an internal review of the handling of your request under the Freedom of Information Act 2000 (the Act). The purpose of this review is to consider whether the requirements of the Act have been fulfilled. Its scope is defined by Part 5 of the Code of Practice¹ under section 45 of the Act.

Handling

2. In conducting my review of the handling of your request, I have focussed on the following provisions in the Act:

- a. Section 1(1)(a) which, subject to certain exclusions, gives any person making a request for information to a public authority the entitlement to be informed in writing by the public authority whether it holds information of the description specified in the request;
- b. Section 1(1)(b) which, subject to certain exemptions, creates an entitlement to receive the information held by the public authority; and
- c. Section 10(1) which states that, subject to certain provisions allowing extensions of time, the public authority must comply with the requirements of section 1(1) promptly, and in any event not later than the twentieth working day following the date of receipt.

¹

3. Your request for information, received on 9 June 2020, was worded as follows:

"Please provide minutes of the meeting which is stated in the declassified document titled Anthrax Prophylaxis 16th August 1990. Please keep back the identities of personnel protecting their personal data , however Senior Civil servants do not have the same privilege within data protection, thus leave them in!"

Section 10(1) of the Act requires that you receive a response by no later than the twentieth working day following date of receipt, which in this case was by 7 July 2020. As of the date of this letter you have not received a substantive response to your request, or an update on the status of your case, for which I apologise.

4. In summary, your request has not been handled in accordance with the timeliness requirements under section 10(1) of the Act.

Substance

5. I note that this request is one of a number that you submitted to the Department following the implementation of the Government's lockdown measures to prevent the spread of COVID-19. These measures have made it difficult to conduct thorough searches for any recorded information that may be held in scope of your request, delaying the response.

6. I can advise that this request is being processed within the Defence People Secretariat (DPS), and I have asked that a response is issued to you no later than 14 September 2020, which represents 10 working days from the date of this letter.

Conclusion

7. In summary I find that:

- a. Your request has not been handled in accordance with the statutory timescales under section 10(1) of the Act. This is due to the measures in place to prevent the spread of COVID-19;
- b. I have asked the DPS team to issue a substantive response to your request no later than 10 working days following the date of this letter.

If you remain dissatisfied with the review, you may make a complaint to the Information Commissioner under the provisions of section 50 of the Act. Further details of the role and powers of the Commissioner can be found on the following website: <https://ico.org.uk>. The address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely,



Sandra Gardiner