

Requested information from
ENF0526172

ICO & Cabinet Office

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Upholding information rights

Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
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Mr R Smethurst
Head of Knowledge & Information Management Unit
Cabinet Office
1 Horse Guards Road
London
SW1A 2HQ

8 January 2014

Case Reference Number ENF0526172

Dear Mr Smethurst

**Compliance with section 10 Freedom of Information Act (FOIA) & regulation 5
Environmental Information Regulations (EIR) 2004**

I write as a member of the Information Commissioner's Office's (ICO) Complaints Resolution Team. It has come to our attention that the Cabinet Office may be experiencing some difficulties in responding to requests for information submitted under FOIA and EIR.

This letter explains our concerns and asks the authority to provide us with specific information on the time taken to respond to requests for information and any subsequent reviews. It also sets out what action the ICO may take in cases where authorities fail to comply with their obligations.

Our concerns

The Cabinet Office has been specifically selected for assessment in relation to the time taken to respond to requests and reviews as our records for the six months to 30 September 2013 suggest that the authority is failing to meet its obligations in this regard.

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The following information has been collected from our records for the six months to 30 September 2013:

| ICO Case Number | Cabinet Office reference number | Date of Request | Date of reply |
|-----------------|---|-----------------|---------------|
| FS50489129 | FOI317321 | 23/12/2012 | 06/02/2013 |
| FS50493836 | FOI317561 | 18/02/2013 | 24/04/2013 |
| FS50494241 | FOI317545 | 11/02/2013 | 30/04/2013 |
| FS50494760 | FOI317646 | 08/03/2013 | 02/05/2013 |
| FS50498628 | FOI317428 | 16/01/2013 | 13/09/2013 |
| FS50500881 | FOI317582 | 21/02/2013 | 04/08/2013 |
| FS50503789 | FOI317652 | 11/03/2013 | 22/04/2013 |
| FS50504205 | FOI317623 | 05/03/2013 | |
| FS50504112 | FOI318033 | 09/06/2013 | 24/07/2013 |
| FS50504239 | FOI317977 | 27/05/2013 | 09/07/2013 |
| FS50507450 | FOI317690 | 21/03/2013 | 02/08/2013 |
| FS50509659 | FOI318023 | 07/06/2013 | 29/08/2013 |
| FS50511582 | FOI318273 | 05/08/2013 | 04/09/2013 |
| FS50512440 | FOI318021 | 07/06/2013 | 12/09/2013 |
| FS50481901 | ICO ref used in letter to complainant of 03/07/2013 | 14/09/2012 | 03/07/2013 |
| FS50505735 | FOI318744 | 21/11/2012 | |

In order to assess the Cabinet Office's performance going forward, we intend to monitor the authority's timeliness over the next three months, commencing 1 January 2014. This will be achieved by asking the authority to complete and return the self assessment spreadsheet which accompanies this letter.

Data Required

Attached to this letter is an excel spreadsheet containing three separate worksheets. The authority should complete each of these sheets as fully as it can. The spreadsheet seeks data on compliance with section 10 (FOIA) and regulation 5 (EIR), but also asks the authority to provide data on the timeliness of internal reviews. There is the option to combine data for FOIA and EIR where such information is not recorded separately.

We propose to collect data on the authority's timeliness for three months, which we hope will provide the authority with sufficient opportunity to demonstrate compliance,

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and where appropriate, a chance to make improvements.

Advice on completing the spreadsheet can be found by clicking on the first worksheet tab in the bottom left hand corner of the screen.

At the end of each separate monitoring period (month 1; month 2 and month 3) the spreadsheet should be updated and electronically returned to the ICO.

To return the form please hit 'reply' in response to the email which accompanies this letter. Provided the subject line is unaltered this should return it to our case management system. Alternatively, please send it to the following address:
casework@ico.gsi.gov.uk

When emailing, please ensure you include the following text in the subject line:
Monitoring Assessment form: Cabinet Office [Ref. ENF0526172]

The relevant dates on which the information should be returned for the Cabinet Office are as follows:

| Month identifier | Date range | Date to be returned to ICO |
|------------------|-----------------------|----------------------------|
| 1 | 1-31 January 2014 | 28 March 2014 |
| 2 | 1 to 28 February 2014 | 29 April 2014 |
| 3 | 1-31 March 2014 | 30 May 2014 |

We recognise that authorities will have different mechanisms for recording information regarding request handling, but in order to ensure continuity all authorities subject to monitoring will be asked to present the information in the format specified in the enclosed form. If this presents a particular difficulty for the Cabinet Office, please do let us know.

What happens next?

On receiving the spreadsheet for month one the ICO will review its contents and consider the authority's compliance with section 10 of FOIA; regulation 5 of EIR and its performance in relation to internal reviews. The ICO will then continue to track the authority's performance for a further two months. At the end of this period the ICO will advise whether it feels it would be appropriate to take further action. Details of the action we may take is outlined in the attached policy for Freedom of Information Regulatory Action Policy. It should be noted that in some cases, it may be appropriate for the ICO to move to formal regulatory action straightaway. However in the majority of circumstances such action will be limited to extreme examples of poor performance. If the authority is meeting its FOIA and EIR obligations to a satisfactory level we will

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confirm as much by return.

The three month monitoring period may be extended in exceptional circumstances; however for the most part we consider that three months should provide sufficient time for the authority to demonstrate an improvement. We are keen to stress that the monitoring is an opportunity for the authority to demonstrate that it is handling the requests for information it receives and any subsequent reviews in a timely way. In support of this we would welcome any commentary the authority is able to provide in respect of its request handling procedures, or particular difficulties it may be experiencing.

In the week commencing 20 January 2014, we will be making a list of the authorities we are monitoring in this way available on our website at:

[http://www.ico.gov.uk/what we cover/promoting openness/monitoring compliance.aspx](http://www.ico.gov.uk/what%20we%20cover/promoting%20openness/monitoring%20compliance.aspx)

This will include the Cabinet Office. If the authority disagrees with its inclusion in this list for any reason, we should be grateful if you could let us know in advance of this date. In any event, if the authority would confirm receipt of this letter within five working days we should be grateful.

Good Practice

As part of his duty to promote the following of good practice in the handling of requests the Commissioner would welcome an opportunity to share any procedures or ideas which the Cabinet Office has used to improve its performance during the monitoring. Please ensure that any details of improvements made are provided in a publishable form.

Questions

For more information about the monitoring process please refer to the FOI Regulatory Action Policy and "How the ICO selects authorities for monitoring".

If you have a query which is not covered in these documents, please contact me on **01625 545355** or by email at **elizabeth.hogan@ico.org.uk**.



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Thank you for your help. We look forward to hearing from the authority once the performance data for the first month of monitoring has been prepared.

Yours sincerely

Elizabeth Hogan (Mrs)
Complaints Resolution
Information Commissioner's Office

Attached documents

Freedom of Information Regulatory Action Policy
How the ICO selects authorities for monitoring
Self Assessment excel spreadsheet

Freedom of information regulatory action policy

Why a policy?

The Information Commissioner's Office (ICO) is committed to upholding the right of access to official information held by public authorities. We do this by overseeing two key pieces of legislation that allow members of the public to request official information held by public bodies. These are:

- the Freedom of Information Act 2000 (FOIA); and
- the Environmental Information Regulations 2004 (EIR).

The legislation is supported by three codes of practice:

- The section 45 code of practice, which provides guidance on the practice that it would be desirable for public authorities to follow in discharging their functions under FOIA.
- The regulation 16 code of practice, which provides guidance on the practice it would be desirable for public authorities to follow in discharging their functions under EIR.
- The section 46 code of practice, which provides guidance on the practice it would be desirable for public authorities to follow in connection with the keeping, management and destruction of their records. It applies not only to public authorities but also to other bodies that are subject to the Public Records Act 1958 or the Public Records Act (Northern Ireland) 1923.

FOIA, EIR and their associated codes of practice oblige organisations to meet particular standards when responding to requests for information. These include:

- replying within a specified timescale (usually 20 working days);
- providing the information requested or explaining why it cannot be supplied;
- publishing official information by way of a publication scheme (FOIA), or by proactive disclosure (EIR);
- providing a complaints procedure for applicants who are dissatisfied with the way their request has been handled (commonly referred to as an internal review); and
- responding to internal reviews within a specified timescale.

The ICO has a duty to promote observance with FOIA, EIR and the associated codes of practice. This policy will assist the ICO in discharging this obligation (section 47 (1)).

Many authorities are already meeting the standards expected of them, but for those that are not this policy will provide the framework within which the

ICO will take action. Specifically, where authorities repeatedly or seriously fail to meet the requirements of the legislation, or conform to the associated codes of practice, the ICO will take regulatory action.

The intention of this policy is to provide more detail on the ICO's approach to regulatory action, setting out the nature of our various powers and when and how we plan to use them. The Commissioner intends that this policy should send clear and consistent signals to those authorities falling within the scope of FOIA or EIR, to the public whom the law empowers, and to the staff who act on its behalf.

Information rights practitioners should read this document in conjunction with our [Data protection regulatory action policy](#).

What is regulatory action?

In this context regulatory action describes the powers available to the ICO to promote and secure compliance with FOIA, EIR and the associated codes of practice. They include non-criminal enforcement and voluntary assessments.

Our aim

Our aim is to promote the following good practice and to ensure that public authorities meet the requirements of the legislation, particularly in relation to timeliness.

Where we have evidence to suggest that an authority is regularly or seriously failing to meet the requirements of the legislation we will take purposeful regulatory action. We will do this to:

- promote open government;
- bring about a culture of maximum disclosure;
- set examples;
- help clarify issues; and
- ensure that obligations are not deliberately or persistently ignored.

We believe that targeted, proportionate and effective regulatory action will help to improve standards across the public sector.

Guiding principles

Regulatory action taken by the ICO will be consistent with the five principles of good regulation established by the Better Regulation Task Force. These are:

Transparency

We will be open about our approach to regulatory action and open about the action we take and the outcomes we achieve.

| | |
|-----------------|---|
| Accountability | We will include information on the use of our regulatory action powers in our annual report to Parliament. We will make sure that those who are subject to regulatory action are aware of their rights of appeal. |
| Proportionality | We will put in place systems to ensure that regulatory action we take is in proportion to the harm or potential harm done. We will not resort to formal action where we are satisfied that the risk can be addressed by negotiation or other less formal means. |
| Consistency | We will apply our decision making criteria consistently in the exercise of our regulatory action powers. |
| Targeting | We will target regulatory action on those areas where it is the most appropriate tool to achieve our goals. Our own targets will be based on outcomes rather than how often we use our regulatory action powers. |

Forms of regulatory action

There are a number of tools available to the ICO for regulatory action. Where a choice exists, the most effective will be chosen for each situation, bearing also in mind the deterrent or educative effect on other organisations. The tools are not necessarily mutually exclusive and may be used in combination when justified by the circumstances. The main options are:

| | |
|------------|--|
| Assessment | An assessment may be conducted with the consent of a public authority. It is designed to determine whether an authority is following good practice – and specifically, to assess its conformity to the codes of practice. In relation to conformity to the section 46 code of practice, assessments will be carried out in |
|------------|--|

| | |
|-------------------------|---|
| | with an authority's handling of a specific request (section 50). |
| Practice recommendation | A non-enforceable recommendation which can be issued in response to non-conformity with the codes of practice. A practice recommendation will specify the steps which, in the ICO's opinion, are necessary to ensure conformity with the codes. |
| Negotiation | Not a formal regulatory power but a form of regulatory action that will be used widely to in order to bring about compliance with FOIA, EIR and conformity with the associated codes of practice. Negotiated resolution can be backed by a formal undertaking, given to an organisation by the ICO. |
| Monitoring | As with negotiation, this is not a formal regulatory power but a method that will be used to inform the ICO's view of an authority's overall performance. It is most likely to be used to monitor timeliness and may be a precursor to further action if an authority is unable to demonstrate an improvement within a specified timescale. |
| Undertakings | The culmination of negotiated resolution, an undertaking commits an authority to a particular course of action in order to improve its compliance. |
| Report to Parliament | A failure to take account of a practice recommendation, or the need for an enforcement notice to be issued may be included in the ICO's annual report to Parliament. |

Prosecution

In the context of regulating FOIA and EIR, our powers of prosecution relate to the offences described in section 77 of FOIA and regulation 19 of EIR. Section 77 and regulation 19 both concern the offence of deliberately altering, defacing, blocking, erasing, destroying or concealing a record which is subject to a request, with the intention of preventing the disclosure of information to which the applicant would otherwise be entitled.

Contempt of Court

In the event that an authority should fail to comply with the steps specified by the Commissioner in a Decision Notice, Information Notice or an Enforcement Notice, the Commissioner may certify as such to the Court. The Court may inquire into the matter, and may deal with the authority as if it had committed a contempt of Court. This provision also applies should an authority purport to have complied with an Information Notice by knowingly or recklessly making a statement which is false.

Initiation of regulatory action

We will adopt a selective approach to initiating and pursuing regulatory action. Our approach will be driven by concerns about significant or repeated failures to meet the requirements of FOIA, EIR or their associated codes of practice. The type of intervention will be appropriate to the failure and proportionate.

The criteria set out below will guide decisions about our priorities at all stages – fact-finding, initiation of action and follow-through. We will always be clear about the outcome(s) we are aiming to achieve.

The initial drivers will usually be:

- concerns raised with us in the complaints that we receive;
- concerns raised with us by an authority direct;
- issues that come to our attention via the media, the web and social media such as information rights blogs;

- concerns raised by Parliament, the Ministry of Justice or liaison groups;
- concerns raised by the First Tier Tribunal (Information Rights); and
- concerns that become apparent through our other activities, for example wider information handling issues that come to our attention via our data protection audit programme.

We may initiate regulatory action ourselves, as well as in response to matters raised with us by others.

We will collate information on complaints made to us in order to identify sectors or specific organisations for more focused activity. Past performance may be taken into account where authorities continue to fail to meet their obligations and responsibilities. We will build up intelligence based on the number and nature of complaints received about particular authorities. However, not all complaints received about breaches of the legislation will be referred for regulatory action.

Action will only be initiated by the Commissioner where:

- our criteria are satisfied; and
- intervention is a proportionate response; or
- there is likely to be a wider educative or deterrent affect.

Whilst every endeavour will be made to work with public authorities, we will take formal action where it is considered appropriate.

Assessment of good practice

Unlike the Data Protection Act 1998 (section 41A), the ICO does not have powers of compulsory audit when assessing compliance with FOIA, EIR or the associated code of practice. However, section 47 (3) of FOIA provides a mechanism by which the ICO may, with the consent of the authority, carry out an assessment to determine whether it is following good practice.

In most cases, such an assessment will be carried out by asking the authority to supply details of its information handling policies, processes and procedures. Where appropriate we may visit the authority to conduct a consensual onsite assessment.

In cases where repeated or significant delays in dealing with requests, reviews, or both is suspected the ICO will monitor the authority's progress by asking it to provide regular statistical updates on its performance.

Where an assessment is being conducted in relation to the section 46 code of practice on records management, it will be carried out in conjunction with the Keeper of Public Records (or in the case of Northern Ireland, Deputy Keeper of the Records of Northern Ireland).

Although there is no power of compulsory audit for FOIA and EIR, public authorities are expected to co-operate with the ICO's enquiries. In the unlikely event that an authority refuses to do so, the ICO will issue an information notice (section 51) in order to obtain the information it requires.

Practice recommendations

Where the ICO considers that the practice of a public authority does not conform to the codes of practice it may issue a practice recommendation. A practice recommendation will specify the steps the ICO considers should be taken to bring about conformity.

Although a practice recommendation is not directly enforceable, the failure to implement the recommendations made within it may lead to a failure to comply with FOIA or EIR. Examples of where a practice recommendation may be issued include a failure to:

- provide an internal review procedure;
- complete internal reviews within the appropriate timescales;
- transfer or redirect requests appropriately;
- consult with relevant third parties; and
- ensure that authorities make their FOIA obligations clear when entering into contracts with third parties which may contain terms relating to the disclosure of information.

Where a practice recommendation is being considered in relation to the section 46 code of practice on records management, consultation with the Keeper of Public Records (or in the case of Northern Ireland, the Deputy Keeper of Public Records) is required. The ICO's Memorandum of Understanding with the National Archives, which details the arrangement in this regard, can be found [here](#). Examples of where a practice recommendation may be issued in relation to the section 46 code of practice include the failure to:

- have in place organisational arrangements that support record management;
- have in place a record management policy;
- retain the records needed for business, regulatory, legal and accountability purposes;
- have in place systems that enable records to be stored and retrieved as necessary;
- know what records are held, where they are and to ensure that they remain useable;
- ensure that records are secured securely and that access to them is controlled;
- define how long records should be kept for, and to dispose of them when no longer needed;
- ensure that records shared with other bodies or held on their behalf are managed in accordance with the code; and

- monitor compliance with the code.

Once a practice recommendation has been issued, the ICO will monitor the implementation of any agreed action plan and the adoption of the recommendations made. After an appropriate interval, the ICO may review an authority's progress against the recommendations and publish its findings.

Enforcement notices

Where the ICO is satisfied that a public authority has failed to comply with any of the requirements of part I of FOIA or parts 2 and 3 of the EIR it may serve that authority with an enforcement notice.

In most cases, enforcement notices will be used to address serious or repeated breaches of the legislation. An enforcement notice will specify the parts of the FOIA or EIR with which the authority has failed to comply; explain the reasons for reaching that conclusion, and detail the steps the authority must take and the timescale for doing so. An authority may appeal an enforcement notice to the First Tier Tribunal (Information Rights).

Examples of where an enforcement notice may be appropriate include:

- repeated or significant failures to meet the time for compliance;
- repeated or significant failures to refuse requests in accordance with the requirements of the legislation – for example a repeated failure to specify exemptions / exceptions or to explain why they apply;
- a failure to operate an internal review procedure in accordance with the requirements of regulation 11 (EIR only);
- a failure to adopt an approved publication scheme (FOIA only); and
- a failure to publish information in accordance with an approved publication scheme (FOIA only).

When considering whether an enforcement notice is appropriate the ICO will consider:

- the severity and / or repetition of the breach;
- whether there is evidence that obligations are being deliberately or persistently ignored;
- whether there would be an educative or deterrent affect;
- whether it would help clarify or test an issue; and
- whether an example needs to be created or a precedent set.

In limited circumstances, it may also be appropriate to use an enforcement notice to group together similar complaints about the same public authority.

The ICO, by written notice to the authority on which it was served, may cancel an enforcement notice.

Decision making

We will ensure that any regulatory action we take is proportionate to the problems it seeks to address. Both good regulatory practice and the efficient use of our limited resources require us to be selective. In determining whether to take action, the form of any action, and how far to pursue it, we will apply the following criteria:

- Is the breach / non-conformity so serious that action needs to be taken?
- Is the breach / non-conformity repeated to the extent that it is detrimental to the public's ability to exercise their right of access?
- Is action justified by the need to clarify an important point of law or principle?
- Is action justified by the likelihood that non-compliance / non-conformity will reoccur, or have an ongoing effect if action is not taken?
- Are the organisation and its practices representative of a particular sector or activity to the extent that the case for action is supported by the need to set an example?
- Does a failure by the organisation to follow relevant guidance or accepted business practice support the case for action?
- Does the attitude and conduct of the organisation both in relation to the case in question and more generally in relation to compliance issues suggest a deliberate, wilful or cavalier approach?
- How far do we have a responsibility to organisations that comply with the legislation / conform to the codes of practice to take action against those that do not?
- Is the level of public interest in the

case so great as to support the case for action?

Given the extent to which pursuing the case will make demands on our resources, can this be justified in the light of other calls for regulatory action?

What is the risk to the credibility of FOIA, EIR or to our reputation and influence of taking or not taking action?

We will engage with public authorities and provide an opportunity for them to make representations to us before we take regulatory action that affects them, unless matters of urgency or other circumstances make it inappropriate to do so.

Attached to this policy are some illustrative examples of where we will or will not be likely to take regulatory action.

Delivery

The Director of Operations will have primary responsibility for delivery in accordance with this policy. He will do this mainly through his Complaints Resolution and Enforcement departments.

This policy should be read in conjunction with the information rights strategy (December 2011).

Transparency

In line with the ICO's commitment to transparency we will be open about the regulatory action we take. We will make information available on the ICO website and in the annual report to Parliament about the number of cases we pursue, their nature and their outcomes. We will normally publish enforcement notices; undertakings and practice recommendations.

Where regulatory action reveals problems that are common to a particular sector or activity and it is apparent that there is a need for general advice on the issue in question we will make such advice available.

Regulatory action examples

The following are some examples of the types of conduct which will lead the ICO to consider using its regulatory powers. The examples are intended to be illustrative rather than exhaustive or binding. In practice all the relevant circumstances of a case will be taken into account.

Likely (especially after warning)

- Repeated or serious failure to respond to requests within the appropriate timescales, particularly if a period of monitoring fails to encourage an improvement.
- Repeated or serious failure to complete internal reviews within the appropriate timescales, particularly if a period of monitoring fails to encourage an improvement.
- Failure to adopt an approved publication scheme.
- Failure to publish in accordance with an approved publication scheme
- Failure to have a records management policy in place or to operate in accordance with that policy.
- An obvious disregard for the access provisions FOIA and EIR seek to promote.
- An obvious lack of understanding about the requirements of FOIA and EIR, particularly when the ICO's attempts to provide advice and support have been ignored.
- A repeated failure to produce refusal notices which comply with the requirements of the legislation.

Unlikely

- Minor, non-repetitive breaches of the Act.
- Minor, non-repetitive non-conformity with the codes of practice.
- Non-compliance or non-conformity within a small authority (for example a parish council or school) which was unaware of its obligations, and which has since taken steps to address this.
- Non-compliance or non-conformity which is over 12 months old, unless the breach is continuing or repetitive.

How the Information Commissioner's Office selects authorities for monitoring

The Information Commissioner's Office (ICO) recognises that there are a number of reasons why authorities' may be unable to achieve full compliance with the requirements of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the associated Codes of Practice. The ICO must try to assess compliance in a way which allows us to deploy resource effectively, by focussing on what appear to be the more serious or repeated examples of poor performance. We have specifically targeted timeliness as this is an area of compliance which is regularly shown to be problematic.

In monitoring authorities' timeliness the ICO's Complaints Resolution Team has adopted some general 'rules of thumb' which will be used to direct attention towards those authorities experiencing the most difficulty. The ICO is may contact authorities if:

- our analysis of complaints received by the ICO suggests that we have received three or more complaints citing delays within a specific authority within a six month period
- (for those authorities which publish data on timeliness) – it appears that less than 85% of requests are receiving a response within the appropriate timescales.
- Evidence of a possible problem in the media or other external sources.

Whilst the ICO cannot condone breaches of the legislation we regulate, we will be proportionate in our approach. During the monitoring we will seek to determine authorities' reasons for failing to meet the requirements of the legislation; the progress demonstrated since the Complaints Resolution Team's intervention; and the overall commitment to improvement before deciding whether to take action. The process of monitoring is therefore an opportunity for the authorities concerned to demonstrate that the requirements of the legislation are taken seriously.

Unless exceptional circumstances should arise, the ICO intends to monitor each authority for a period of three months. However we may take action in advance of this timeframe if an authority's standard of compliance is

revealed to be particularly poor, or if it is unwilling to make the improvements necessary.

Details of the action the ICO may take in the event that monitoring fails to encourage a sufficient improvement can be found in the [Freedom of information regulatory action policy](#).

The ICO's approach to monitoring authorities' timeliness will be kept under review in light of our experiences.

Information Commissioner's Office:

**Self assessment
questionnaire**

Part 1:

Details of the authority

Authority Name:

Address:

Key contact for FOIA:

Authority Reference:

ICO Reference:

Month

Month 1

Oldest outstanding request

Oldest outstanding internal review

Longest delay 2010 to date (requests)

Longest delay 2010 to date (reviews)

Information Commissioner's Office:

Guidance on completing the

Please complete all three worksheets as fully as possible; guidance on completing each component of the spreadsheet is provided below. The ICO has also produced some frequently Asked Questions (attached) to assist further with this process.

Part 1:

Details of the authority (PA)

| | |
|---|--|
| Authority Name: | Please complete this field |
| Address: | Please complete this field |
| Key contact for FOIA: | Please complete this field |
| Authority's own reference (if applicable): | Please complete this field |
| ICO Reference: | To be added by ICO |
| Oldest outstanding request | This refers to the oldest outstanding request at the time at which should be repeated for each month. The detail to be provided here is the number of working days which have elapsed since the request was received. If the oldest outstanding request is a review, the authority should indicate that this is the case. As before if there are no outstanding requests this field should be completed as much. |
| Oldest outstanding internal review | As above, for internal reviews |
| Longest delay 2010 to date (requests) | The authority should provide details of the longest delay within the year. Here is the number of working days which have elapsed between the longest delay of the year to date is a request which remains outstanding. The authority should indicate that this is the case. As before if there are no outstanding requests this field should be completed as much. |
| Longest delay 2010 to date (reviews) | As above, for internal reviews |

There is the option to split the data into FOIA and EIR requests, or for those authorities which do not organise performance data in this way, to combine it

2 (b) Requests under FOIA

| | |
|--|---|
| a) Number of requests | The total number of FOIA requests received in the month specified |
| b) Responses issued within 20 working days | Self explanatory |
| c) Non - public interest cases exceeding 20 working days | This refers to requests for information, which have exceeded 20 working days and for which the authority has sought to extend the timeframe for response in order to consider the public interest. This figure should include any such requests for which a response has been issued. |
| d) Public interest cases 21-40 working days | This refers to requests for information, for which the authority has sought to extend the timeframe for response in order to consider the public interest, in line with section 10 (3), in order to consider the public interest factors. |
| e) Public interest responses 41+ working days | This refers to requests for information, for which the authority has sought to extend the timeframe for response in order to consider the public interest and which have taken more than 40 working days to respond. This figure should include such requests for which a response remains outstanding. |

2 (c) Requests under EIR

| | |
|--|--|
| a) Number of requests | The total number of EIR requests received in the month specified |
| b) Responses issued within 20 working days | Self explanatory |
| c) Non - complex / voluminous requests exceeding 20 working days | This refers to requests for environmental information, which have exceeded 20 working days and for which the authority has not sought to extend the timeframe for response due to the complexity or volume of information requested (regulation 7 (1)) |
| d) Complex voluminous cases 21-40 working days | This refers to requests for environmental information, which have exceeded 20 working days and for which the authority has sought to extend the timeframe for response due to the complexity or volume of information requested, in line with regulation 7 (1) |

| | |
|---|--|
| e) Complex and voluminous responses 41+ working days | This refers to requests for information, for which the authority has refused to provide the information. This figure should include requests for information, for which the authority has refused to provide the information. This figure should include requests for information, for which the authority has refused to provide the information. |
|---|--|

| | |
|----------------|----------------------------------|
| Part 3: | Internal Review - current |
|----------------|----------------------------------|

There is the option to split the data into FOIA and EIR reviews, or for those authorities which do not organise performance data in this way, to combine it

| | |
|---|--|
| 3 (a) Average response time - all requests | For each month, the authority should calculate its average response time by adding together the total number of working days in that month, and dividing it by the number of individual internal reviews received in that month. |
|---|--|

3 (b) Reviews under FOIA

| | |
|---|---|
| a) Number of reviews | The total number of FOIA internal reviews received in the month |
| b) Responses issued within 20 working days | Self explanatory |
| c) Non - exceptional cases exceeding 20 working days | This refers to straightforward internal reviews, which could not reasonably be described as exceptional circumstances and therefore attracting additional time, which have taken longer than 20 working days to process |
| d) Exceptional cases 21-40 working days | This refers to internal reviews which could reasonably be described as exceptional circumstances and therefore attracting additional time, which have taken longer than 20 working days to process |
| e) Exceptional cases 41+ working days | This refers to internal reviews which could reasonably be described as exceptional circumstances and which have taken longer than 40 working days to process |

3 (c) Reviews under EIR

| | |
|---|--|
| a) Number of reviews | The total number of EIR internal reviews received in the month |
| b) Responses issued within 40 working days | Self explanatory - under EIR an authority has 40 w/days to respond to a request for information. This figure should include requests for information, for which the authority has refused to provide the information. This figure should include requests for information, for which the authority has refused to provide the information. |
| c) Responses issued in 41+ working days | As above - this figure should include requests which remain outstanding at the end of the month |

| | | |
|---------|----------|---------------------|
| Part 2: | s10 & r5 | Current Performance |
|---------|----------|---------------------|

2 (a) Average Response Time - all requests

| Month | Average |
|---------|---------|
| Month 1 | |
| Month 2 | |
| Month 3 | |

2 (b) Requests under FOIA

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-public interest cases exceeding 20 working days | (d) Public interest cases 21-40 working days | (e) Public interest cases 41+ working days |
|------------------|------------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (c) Requests under EIR

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-complex / voluminous requests exceeding 20 working days | (d) Complex voluminous cases 21-40 working days | (e) Complex voluminous responses 41+ working days |
|------------------|------------------------|---|---|---|---|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-public interest / complex & voluminous cases exceeding 20 working days | (d) Public interest / complex & voluminous cases 21-40 working days | (e) Public interest / complex & voluminous responses 41+ working days |
|------------------|------------------------|---|--|---|---|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

Part 3:

Internal Review - current performance

**3 (a) Average Response Time -
all reviews**

| Month | Average |
|---------|---------|
| Month 1 | |
| Month 2 | |
| Month 3 | |

3 (b) Reviews under FOIA

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Non - exceptional cases exceeding 20 working days | (d) Exceptional cases 21-40 working days |
|-------------------------|-----------------------|---|---|--|
| Month 1 | | | | |
| Month 2 | | | | |
| Month 3 | | | | |
| Cumulative total | | 0 | 0 | 0 |

3 (c) Reviews under EIR

| Month | (a) Number of reviews | (b) Responses issued within 40 working days | (c) Responses issued in 41+ working days |
|-------------------------|-----------------------|---|--|
| Month 1 | | | |
| Month 2 | | | |
| Month 3 | | | |
| Cumulative total | | 0 | 0 |

3 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Responses issued in 21-40 working days | (d) Responses issued in 41+ working days |
|------------------|-----------------------|---|--|--|
| Month 1 | | | | |
| Month 2 | | | | |
| Month 3 | | | | |
| Cumulative total | 0 | 0 | 0 | 0 |

PROTECT

8 January 2014

Case Reference Number ENF0526172

Dear Mr Smethurst

**Compliance with section 10 Freedom of Information Act (FOIA) & regulation 5
Environmental Information Regulations (EIR) 2004**

I refer to correspondence from Christopher Graham to Richard Heaton dated 16 December 2013 and from Graham Smith to Roger Smethurst dated 23 December 2013.

Attached please find a letter regarding the ICO's monitoring of the Cabinet Office's compliance with section 10 of FOIA and regulation 5 of the EIR along with a Self-Assessment spreadsheet which is referred to in that letter. I also attach a link to our Freedom of Information Regulatory Action Policy and to information about how the ICO selects public authorities for monitoring.

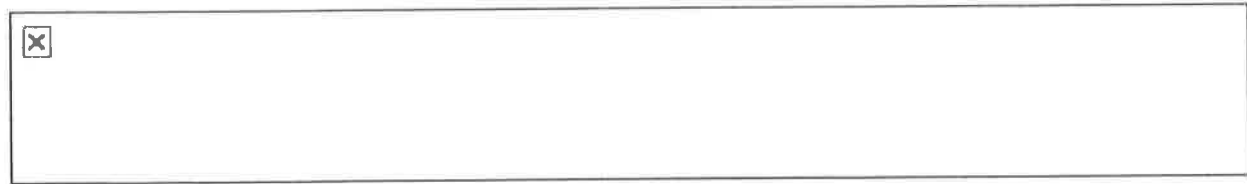
If you have a query which is not covered in these documents, please contact me on **01625 545355** or by email at **elizabeth.hogan@ico.org.uk**.

Yours sincerely

Elizabeth Hogan (Mrs)
Senior Case Officer
Complaints Resolution

Please find attached the Cabinet Office's report on cases received in January.

Regards



關於本報告所載資料之準確性，本公司董事及高級管理人員已審閱，並認為該等資料屬真實、準確及完整。

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Information Commissioner's Office:**Guidance on completing the spreadsheet**

Please complete all three worksheets as fully as possible; guidance on completing each component of the spreadsheet is provided below. The ICO has also produced some Frequently Asked Questions (attached) to assist further with this process.

Part 1:**Details of the authority (PA) / headline****Authority Name:**

Please complete this field

Address:

Please complete this field

Key contact for FOIA:

Please complete this field

Authority's own reference (if applicable):

Please complete this field

ICO Reference:

To be added by ICO

Oldest outstanding request

This refers to the oldest outstanding request at which the sheet was completed, and where appropriate should be repeated for each month. The detail here is the number of working days which have elapsed since the request was received. If the oldest outstanding request is an EIR, the authority should indicate as much. If there are no outstanding requests this field should be completed with zero.

Oldest outstanding internal review

As above, for internal reviews

Longest delay 2010 to date (requests)

The authority should provide details of the long within the calendar year to date. The detail to here is the number of working days which have between receipt of the request and the response. The longest delay of the year to date is a request which is still outstanding this will be covered in the field above. The authority should indicate that this is the case. If the longest outstanding request is EIR, the authority should indicate as much.

Longest delay 2010 to date (reviews)

As above, for internal reviews

Part 2:**s10 & r5 - Current Performance**

*There is the option to split the data into FOIA and EIR requests, or for those authorities which

2 (b) Requests under FOIA**(a) Number of requests**

The total number of FOIA requests received in specified

(b) Responses issued within 20 working days

Self explanatory

(c) Non - public interest cases exceeding 20 working days

This refers to requests for information, which exceed 20 working days even though the authority has agreed to extend the timeframe for response in order to serve the public interest in line with section 10 (3) . This should include any such requests for which a response is still outstanding

(d) Public interest cases 21-40 working days

This refers to requests for information, for which authority **has** sought to extend the timeframe in line with section 10 (3), in order to consider interest for the month specified

(e) Public interest responses 41+ working days

This refers to requests for information, for which authority **has** sought to extend the timeframe in order to consider the public interest and which more than 40 working days to process. This figure include such requests for which a response remains outstanding

2 (c) Requests under EIR

(a) Number of requests

The total number of EIR requests received in the specified

(b) Responses issued within 20 working days

Self explanatory

(c) Non - complex / voluminous requests exceeding 20 working days

This refers to requests for environmental information have exceeded 20 working days for which the authority **not** sought to extend the timeframe for response due to the complex or voluminous nature of the information (regulation 7 (1))

(d) Complex voluminous cases 21-40 working days

This refers to requests for environmental information which have exceeded 20 working days for which the authority has sought to extend the timeframe for response due to the complex or voluminous nature of the information in line with regulation 7 (1)

(e) Complex and voluminous responses 41+ working days

This refers to requests for information, for which the authority **has** sought to extend the timeframe due to the complex and voluminous nature of the information and has taken more than 40 working days to respond to or provide the information. This figure should include requests for which a response remains outstanding.

Part 3:

Internal Review - current performance

*There is the option to split the data into FOIA and EIR reviews, or for those authorities which cannot split the data into FOIA and EIR reviews, the data should be split into FOIA and EIR reviews.

3 (a) Average response time - all requests

For each month, the authority should calculate the average response time for dealing with internal reviews by adding together the total number of days taken to deal with all internal reviews received in that month, and dividing it by the number of individual reviews received.

3 (b) Reviews under FOIA

| | |
|--|--|
| (a) Number of reviews | The total number of FOIA internal reviews received in the month specified |
| (b) Responses issued within 20 working days | Self explanatory |
| (c) Non - exceptional cases exceeding 20 working days | This refers to straightforward internal reviews, which are not reasonably described as 'exceptionally complex' and which have taken longer than 20 working days to process |
| (d) Exceptional cases 21-40 working days | This refers to internal reviews which could reasonably be described as being undertaken in exceptional circumstances and therefore attracting additional time, which is between 21 and 40 working days |
| (e) Exceptional cases 41+ working days | This refers to internal reviews which could reasonably be described as having been undertaken in exceptional circumstances and which have taken longer than 40 working days |

3 (c) Reviews under EIR

| | |
|--|--|
| (a) Number of reviews | The total number of EIR internal reviews received in the month specified |
| (b) Responses issued within 40 working days | Self explanatory - under EIR an authority has a duty to respond to a request for internal review. There is no distinction for complex or voluminous requests |

(c) Responses issued in 41+ working days

As above - this figure should include requests outstanding.

in this way, to combine it

this way, to combine it

Information Commissioner's Office:

Part 1:

Authority Name:

Address:

Key contact for FOIA:

Authority Reference:

ICO Reference:

Month

Oldest outstanding request

Oldest outstanding internal review

Longest delay 2010 to date (requests)

Longest delay 2010 to date (reviews)

Self assessment questionnaire

Details of the authority

Cabinet Office

| Month 1 (January 2014) | | Month 2 |
|------------------------|--|---------|
| 157 | | |
| 134 | | |
| 157 (as above) | | |
| 134 (as above) | | |

| Month 3 |
|---------|
| |
| |
| |
| |

| | | |
|---------|-------------------------|---------|
| Part 2: | s10 & r5 Performance | Current |
|---------|-------------------------|---------|

2 (a) Average
Response Time - all
requests

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 16 |
| Month 2 | |
| Month 3 | |

2 (b) Requests under FOIA

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - public interest cases exceeding 20 working days | (d) Public interest cases 21-40 working days | (e) Public interest cases responses 41+ working days |
|------------------|------------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (c) Requests under EIR

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - complex / voluminous requests exceeding 20 working days | (d) Complex voluminous cases 21-40 working days | (e) Complex and voluminous responses 41+ working days |
|------------------|------------------------|---|---|---|---|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - public interest / complex & voluminous cases exceeding 20 working days | (d) Public interest / complex & voluminous cases 21-40 working days | (e) Public interest / complex & voluminous responses 41+ working days |
|------------------------|------------------------|---|--|---|---|
| Month 1 (January 2014) | | 164 | 141 | 9 | 12 |
| Month 2 | | | | | 2 |
| Month 3 | | | | | |
| Cumulative total | | 164 | 141 | 9 | 12 |

| | |
|---------|---------------------------------------|
| Part 3: | Internal Review - current performance |
|---------|---------------------------------------|

3 (a) Average Response Time - all reviews

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 23 |
| Month 2 | |
| Month 3 | |

3 (b) Reviews under FOIA

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Non-exceptional cases exceeding 20 working days | (d) Exceptional cases 21-40 working days | (e) Exceptional cases 41+ working days |
|------------------|-----------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

3 (c) Reviews under EIR

| Month | (a) Number of reviews | (b) Responses issued within 40 working days | (c) Responses issued in 41+ working days |
|------------------|-----------------------|---|--|
| Month 1 | | | |
| Month 2 | | | |
| Month 3 | | | |
| Cumulative total | | 0 | 0 |

3 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Responses issued in 21-40 working days | (d) Responses issued in 41+ working days |
|------------------------|-----------------------|---|--|--|
| Month 1 (January 2014) | 25 | 8 | 17 | 0 |
| Month 2 | | | | |
| Month 3 | | | | |
| Cumulative total | 25 | 8 | 17 | 0 |

PROTECT

31 March 2014

Case Reference Number ENF0526172

Dear Mr Smethurst

**Compliance with section 10 Freedom of Information Act (FOIA) &
regulation 5 Environmental Information Regulations (EIR) 2004**

I write to acknowledge receipt of your colleague, [REDACTED], email of
28 March 2014 with attachment.

Yours sincerely

Elizabeth Hogan (Mrs)
Senior Case Officer

I am out of the Office until Monday 14 April.

22 April 2014

Case Reference Number ENF0526172

Dear [REDACTED]

Compliance with section 10 Freedom of Information Act (FOIA) & regulation 5 Environmental Information Regulations (EIR) 2004

I write regarding the second set of figures which are due from the Cabinet Office on 29 April 2014.

When providing those figures, please also include the date of the oldest FOIA or EIR request that remains outstanding. In addition, please also include the date of the oldest FOIA or EIR request for internal review that remains outstanding.

Yours sincerely

Elizabeth Hogan (Mrs)
Senior Case Officer

cc: Roger Smethurst, Cabinet Office

Dear Mrs Hogan,

As requested, I have added the dates of the longest standing FOI and Internal Review requests in the attached report on February's cases. Just to provide some context on these:

- The longest standing FOI request relates to [REDACTED]
- The longest standing Internal Review request (now closed at 146 days) was submitted by [REDACTED]

I should have said last month that the number of FOI requests received in January represented the highest ever received by the Cabinet Office in a single month. That record will however last only until we report on March's cases!

Regards



From: casework@ico.gsi.gov.uk [mailto:casework@ico.gsi.gov.uk]
Sent: 22 April 2014 10:22
To: [REDACTED] Cabinet Office
Cc: Smethurst, Roger - Cabinet Office [Confidential]
Subject: Compliance with FOIA s10 and EIR r5: Additional information requested[Ref. ENF0526172]

22 April 2014

Case Reference Number ENF0526172

Dear [REDACTED]

Compliance with section 10 Freedom of Information Act (FOIA) & regulation 5 Environmental Information Regulations (EIR) 2004

I write regarding the second set of figures which are due from the Cabinet Office on 29 April 2014.

When providing those figures, please also include the date of the oldest FOIA or EIR request that remains outstanding. In addition, please also include the date of the oldest FOIA or EIR request for internal review that remains outstanding.

Yours sincerely

Elizabeth Hogan (Mrs)
 Senior Case Officer

cc: Roger Smethurst, Cabinet Office

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This footnote also confirms that our email communications may be monitored to ensure the secure and effective operation of our systems and for other lawful purposes, and that this email has been swept for malware and viruses.

Information Commissioner's Office:

Please complete all three worksheets as fully as possible; guidance on completing each component of the spreadsheet is provided below. The ICO has also produced some Frequently Asked Questions (attached) to assist further with this process.

Part 1:

Authority Name:

Address:

Key contact for FOIA:

Authority's own reference (if applicable):

ICO Reference:

Oldest outstanding request

Oldest outstanding internal review

Longest delay 2010 to date (requests)

Longest delay 2010 to date (reviews)

Part 2:

*There is the option to split the data into FOIA and EIR requests, or for those authori

2 (b) Requests under FOIA

(a) Number of requests

(b) Responses issued within 20 working days

(c) Non - public interest cases exceeding 20 working days

(d) Public interest cases 21-40 working days

(e) Public interest responses 41+ working days

2 (c) Requests under EIR

(a) Number of requests

(b) Responses issued within 20 working days

(c) Non - complex / voluminous requests exceeding 20 working days

(d) Complex voluminous cases 21-40 working days

(e) Complex and voluminous responses 41+ working days

Part 3:

*There is the option to split the data into FOIA and EIR reviews, or for those authorities

3 (a) Average response time - all requests

3 (b) Reviews under FOIA

(a) Number of reviews

(b) Responses issued within 20 working days

(c) Non - exceptional cases exceeding 20 working days

(d) Exceptional cases 21-40 working days

(e) Exceptional cases 41+ working days

3 (c) Reviews under EIR

(a) Number of reviews

(b) Responses issued within 40 working days

(c) Responses issued in 41+ working days

Guidance on completing the spreadsheet

Details of the authority (PA) / headline figures

Please complete this field

Please complete this field

Please complete this field

Please complete this field

To be added by ICO

This refers to the oldest outstanding request at the time at which the sheet was completed, and where appropriate should be repeated for each month. The detail to be provided here is the number of working days which have elapsed since the request was received. If the oldest outstanding request is EIR, the authority should indicate as much. If there are no outstanding requests this field should be completed with a zero.

As above, for internal reviews

The authority should provide details of the longest delay within the calendar year to date. The detail to be provided here is the number of working days which have elapsed between receipt of the request and the response. If the longest delay of the year to date is a request which remains outstanding this will be covered in the field above and the authority should indicate that this is the case. As before if the longest outstanding request is EIR, the authority should indicate as much.

As above, for internal reviews

s10 & r5 - Current Performance

ities which do not organise performance data in this way, to combine it

The total number of FOIA requests received in the month specified

Self explanatory

This refers to requests for information, which have exceeded 20 working days even though the authority has **not** sought to extend the timeframe for response in order to consider the public interest in line with section 10 (3) . This figure should include any such requests for which a response remains outstanding

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response, in line with section 10 (3), in order to consider the public interest for the month specified

LINK: Guidance on extending the timeframe for the public interest test

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response in order to consider the public interest and which have taken more than 40 working days to process. This figure should include such requests for which a response remains outstanding

The total number of EIR requests received in the month specified

Self explanatory

This refers to requests for environmental information, which have exceeded 20 working days for which the authority has **not** sought to extend the timeframe for response due to the complex or voluminous nature of the information requested (regulation 7 (1))

This refers to requests for environmental information, which have exceeded 20 working days for which the authority **has** sought to extend the timeframe for response due to the complex or voluminous nature of the information requested, in line with regulation 7 (1)

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response due to the complex and voluminous nature of the request, and has taken more than 40 working days to issue a refusal or provide the information. This figure should include requests for which a response remains outstanding

Internal Review - current performance

ies which do not organise performance data in this way, to combine it

For each month, the authority should calculate its average response time for dealing with internal reviews. This can be calculated by adding together the total number of working days taken to deal with all internal

The total number of FOIA internal reviews received in the month specified

Self explanatory

This refers to straightforward internal reviews, which could not reasonably be described as 'exceptionally complex' which have taken longer than 20 working days to process

[LINK: Guidance on extending the timeframe for internal reviews](#)

This refers to internal reviews which could reasonably be described as being undertaken in exceptional circumstances and therefore attracting additional time, which have taken between 21 and 40 working days

This refers to internal reviews which could reasonably be described as have been undertaken in exceptional circumstances and which have taken longer than 40 working days

The total number of EIR internal reviews received in the month specified

Self explanatory - under EIR an authority has 40 w/days to respond to a request for internal review. There is no distinction for complex or voluminous requests

As above - this figure should include requests which remain outstanding.

Information Commissioner's Office:

Part 1:

Authority Name:

Address:

Key contact for FOIA:

Authority Reference:

ICO Reference:

Month

Oldest outstanding request

Oldest outstanding internal review

Longest delay 2010 to date (requests)

Longest delay 2010 to date (reviews)

Self assessment questionnaire

Details of the authority

Cabinet Office

| Month 1 (January 2014) | | Month 2 |
|------------------------|-----|--------------------|
| | 157 | 171 (date 23/8/13) |
| | 134 | 50 (Date 18/2/14) |
| 157 (as above) | | 171 (as above) |
| 134 (as above) | | 146 |

| Month 3 |
|---------|
| |
| |
| |
| |

| | | |
|---------|-------------|---------|
| Part 2: | s10 & r5 | Current |
| | Performance | |

2 (a) Average Response
Time - all requests

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 16 |
| Month 2 | 17 |
| Month 3 | |

2 (b) Requests under FOIA

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-public interest cases exceeding 20 working days | (d) Public interest cases 21-40 working days | (e) Public interest cases 41+ working days |
|------------------|------------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (c) Requests under EIR

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-complex / voluminous requests exceeding 20 working days | (d) Complex voluminous cases 21-40 working days | (e) Complex and voluminous responses 41+ working days |
|------------------|------------------------|---|---|---|---|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non-public interest / complex & voluminous cases exceeding 20 working days | (d) Public interest / complex & voluminous cases 21-40 working days | (e) Public interest / complex & voluminous responses 41+ working days |
|------------------------|------------------------|---|--|---|---|
| Month 1 (January 2014) | | 164 | 141 | 9 | 12 |
| Month 2 | | 193 | 130 | 3 | 17 |
| Month 3 | | | | | |
| Cumulative total | | 317 | 271 | 12 | 29 |

| | |
|---------|---------------------------------------|
| Part 3: | Internal Review - current performance |
|---------|---------------------------------------|

3 (a) Average Response Time - all reviews

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 23 |
| Month 2 | 31 |
| Month 3 | |

3 (b) Reviews under FOIA

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Non-exceptional cases exceed 20 working days | (d) Exceptional cases 21-40 working days | (e) Exceptional cases 41+ working days |
|------------------|-----------------------|---|--|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

3 (c) Reviews under EIR

| Month | (a) Number of reviews | (b) Responses issued within 40 working days | (c) Responses issued in 41+ working days |
|------------------|-----------------------|---|--|
| Month 1 | | | |
| Month 2 | | | |
| Month 3 | | | |
| Cumulative total | | 0 | 0 |

3 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Responses issued in 21-40 working days | (d) Responses issued in 41+ working days |
|------------------------|-----------------------|---|--|--|
| Month 1 (January 2014) | 25 | 8 | 17 | 0 |
| Month 2 | 21 | 4 | 12 | 4 |
| Month 3 | | | | |
| Cumulative total | 46 | 12 | 29 | 4 |

29 April 2014

Case Reference Number ENF0526172

Dear 

I write to acknowledge receipt of the latest data that you have sent. If I have any further queries, I will let you know.

Yours sincerely

Elizabeth Hogan (Mrs)
Senior Case Officer

Dear

Whilst Mrs Hogan is away on leave I have been left the responsibility of monitoring the Cabinet Office's section 10 monitoring case.

By my records the figures for March 2014 should have been received yesterday.
Please provide them as soon as possible.

If you wish to discuss this matter please contact me on my direct dial number listed below.

Regards,

Michael Avery Case Officer

Michael Avery Case Officer
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
T. 01625 545558 F. 01625 524519 www.ico.org.uk

T. 01625 545558 F. 01625 524519 www.icb.org.uk
Please consider the environment before printing this email

Dear Mr Avery,

Apologies – my email to Mrs Hogan seems to have got stuck in our system. Please find the completed form attached.

Regards



From: casework@ico.gsi.gov.uk [mailto:casework@ico.gsi.gov.uk]

Sent: 30 May 2014 10:40

To: [REDACTED] Cabinet Office

Cc: Smethurst, Roger - Cabinet Office [Confidential]

Subject: ICO Section 10 Monitoring Case[Ref. ENF0526172]

Dear [REDACTED]

Whilst Mrs Hogan is away on leave I have been left the responsibility of monitoring the Cabinet Office's section 10 monitoring case.

By my records the figures for March 2014 should have been received yesterday. Please provide them as soon as possible.

If you wish to discuss this matter please contact me on my direct dial number listed below.

Regards,

Michael Avery Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
T. 01625 545558 F. 01625 524519 www.ico.org.uk

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Information Commissioner's Office:

Please complete all three worksheets as fully as possible; guidance on completing each component of the spreadsheet is provided below. The ICO has also produced some Frequently Asked Questions (attached) to assist further with this process.

Part 1:

Authority Name:

Address:

Key contact for FOIA:

Authority's own reference (if applicable):

ICO Reference:

Oldest outstanding request

Oldest outstanding internal review

Longest delay 2010 to date (requests)

Longest delay 2010 to date (reviews)

Part 2:

*There is the option to split the data into FOIA

2 (b) Requests under FOIA

(a) Number of requests

(b) Responses issued within 20 working days

(c) Non - public interest cases exceeding 20 working days

(d) Public interest cases 21-40 working days

(e) Public interest responses 41+ working days

2 (c) Requests under EIR

(a) Number of requests

(b) Responses issued within 20 working days

(c) Non - complex / voluminous requests exceeding 20 working days

(d) Complex voluminous cases 21-40 working days

(e) Complex and voluminous responses 41+ working days

Part 3:

*There is the option to split the data into FOIA

3 (a) Average response time - all requests

3 (b) Reviews under FOIA

| |
|---|
| (a) Number of reviews |
| (b) Responses issued within 20 working days |
| (c) Non - exceptional cases exceeding 20 working days |
| (d) Exceptional cases 21-40 working days |
| (e) Exceptional cases 41+ working days |

3 (c) Reviews under EIR

| |
|---|
| (a) Number of reviews |
| (b) Responses issued within 40 working days |
| (c) Responses issued in 41+ working days |

Guidance on completing the spreadsheet

Details of the authority (PA) / headline figures

Please complete this field

Please complete this field

Please complete this field

Please complete this field

To be added by ICO

This refers to the oldest outstanding request at the time at which the sheet was completed, and where appropriate should be repeated for each month.

The detail to be provided here is the number of working days which have elapsed since the request was received. If the oldest outstanding request is EIR, the authority should indicate as much. If there are no outstanding requests this field should be completed with a zero.

As above, for internal reviews

The authority should provide details of the longest delay within the calendar year to date. The detail to be provided here is the number of working days which have elapsed between receipt of the request and the response. If the longest delay of the year to date is a request which remains outstanding this will be covered in the field above and the authority should indicate that this is the case. As before if the longest outstanding request is EIR, the authority should indicate as much.

As above, for internal reviews

s10 & r5 - Current Performance

, and EIR requests, or for those authorities which do not organise performance c

The total number of FOIA requests received in the month specified

Self explanatory

This refers to requests for information, which have exceeded 20 working days even though the authority has **not** sought to extend the timeframe for response in order to consider the public interest in line with section 10 (3) . This figure should include any such requests for which a response remains outstanding

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response, in line with section 10 (3), in order to consider the public interest for the month specified

Guidance on extending the timeframe for the

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response in order to consider the public interest and which have taken more than 40 working days to process. This figure should include such requests for which a response remains outstanding

The total number of EIR requests received in the month specified

Self explanatory

This refers to requests for environmental information, which have exceeded 20 working days for which the authority has **not** sought to extend the timeframe for response due to the complex or voluminous nature of the information requested (regulation 7 (1))

This refers to requests for environmental information, which have exceeded 20 working days for which the authority **has** sought to extend the timeframe for response due to the complex or voluminous nature of the information requested, in line with regulation 7 (1)

This refers to requests for information, for which the authority **has** sought to extend the timeframe for response due to the complex and voluminous nature of the request, and has taken more than 40 working days to issue a refusal or provide the information. This figure should include requests for which a response remains outstanding

Internal Review - current performance

, and EIR reviews, or for those authorities which do not organise performance data

For each month, the authority should calculate its average response time for dealing with internal reviews. This can be calculated by adding together the total number of working days taken to deal with all internal reviews received in that month, and dividing it by the number of individual internal reviews received.

The total number of FOIA internal reviews received in the month specified

Self explanatory

This refers to straightforward internal reviews, which could not reasonably be described as 'exceptionally complex' which have taken longer than 20 working days to process

LINK:
Guidance on extending the timeframe for internal reviews

This refers to internal reviews which could reasonably be described as being undertaken in exceptional circumstances and therefore attracting additional time, which have taken between 21 and 40 working days

This refers to internal reviews which could reasonably be described as have been undertaken in exceptional circumstances and which have taken longer than 40 working days

The total number of EIR internal reviews received in the month specified

Self explanatory - under EIR an authority has 40 w/days to respond to a request for internal review. There is no distinction for complex or voluminous requests

As above - this figure should include requests which remain outstanding.

data in this way, to combine it

ata in this way, to combine it

| | |
|------------------------------------|-------------------------------|
| Information Commissioner's Office: | Self assessment questionnaire |
|------------------------------------|-------------------------------|

| | |
|---------|--------------------------|
| Part 1: | Details of the authority |
|---------|--------------------------|

| | |
|-----------------------|----------------|
| Authority Name: | Cabinet Office |
| Address: | |
| Key contact for FOIA: | |
| Authority Reference: | |
| ICO Reference: | |

| Month | Month 1 (January 2014) | Month 2 | Month 3 |
|---------------------------------------|------------------------|--------------------|--------------------|
| Oldest outstanding request | 157 | 171 (date 23/8/13) | 141 (Date 4/11/13) |
| Oldest outstanding internal review | 134 | 50 (Date 18/2/14) | 61 (Date 5/3/14) |
| Longest delay 2010 to date (requests) | 157 (as above) | 171 (as above) | 186 |
| Longest delay 2010 to date (reviews) | 134 (as above) | 146 | 146 |

| | |
|---------|---------------------------------|
| Part 2: | s10 & r5 Current Performance |
|---------|---------------------------------|

2 (a) Average Response Time - all requests

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 16 |
| Month 2 | 17 |
| Month 3 | 15 |

2 (b) Requests under FOIA

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - public interest cases exceeding 20 working days | (d) Public interest cases 21-40 working days | (e) Public interest cases 41+ working days |
|------------------|------------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (c) Requests under EIR

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - complex / voluminous requests exceeding 20 working days | (d) Complex voluminous cases 21-40 working days | (e) Complex and voluminous responses 41+ working days |
|------------------|------------------------|---|---|---|---|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | | 0 | 0 | 0 | 0 |

2 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of requests | (b) Responses issued within 20 working days | (c) Non - public interest / complex & voluminous cases exceeding 20 working days | (d) Public interest / complex & voluminous cases 21-40 working days | (e) Public interest / complex & voluminous responses 41+ working days |
|------------------------|------------------------|---|--|---|---|
| Month 1 (January 2014) | 164 | 141 | 9 | 12 | 2 |
| Month 2 | 153 | 130 | 3 | 17 | 3 |
| Month 3 | 183 | 152 | 5 | 21 | 6 |
| Cumulative total | 500 | 423 | 17 | 50 | 10 |

| | |
|----------------|--|
| Part 3: | Internal Review - current performance |
|----------------|--|

**3 (a) Average Response
Time - all reviews**

| Month | Average |
|------------------------|---------|
| Month 1 (January 2014) | 23 |
| Month 2 | 31 |
| Month 3 | |

3 (b) Reviews under FOIA

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Non - exceptional cases exceeding 20 working days | (d) Exceptional cases 21-40 working days | (e) Exceptional cases 41+ working days |
|------------------|-----------------------|---|---|--|--|
| Month 1 | | | | | |
| Month 2 | | | | | |
| Month 3 | | | | | |
| Cumulative total | 0 | 0 | 0 | 0 | 0 |

3 (c) Reviews under EIR

| Month | (a) Number of reviews | (b) Responses issued within 40 working days | (c) Responses issued in 41+ working days |
|------------------|-----------------------|---|--|
| Month 1 | | | |
| Month 2 | | | |
| Month 3 | | | |
| Cumulative total | 0 | 0 | 0 |

3 (d) Collective data for EIR & FOIA

In the event that the authority does not separate its monitoring of FOIA and EIR response times, please indicate as much by completing the table below:

| Month | (a) Number of reviews | (b) Responses issued within 20 working days | (c) Responses issued in 21-40 working days | (d) Responses issued in 41+ working days |
|------------------------|-----------------------|---|--|--|
| Month 1 (January 2014) | 25 | 8 | 17 | 0 |
| Month 2 | 21 | 4 | 12 | 4 |
| Month 3 | 16 | 5 | 3 | 6 |
| Cumulative total | 62 | 17 | 32 | 10 |

Dear [REDACTED]

Based on the information the Cabinet Office has provided in its self-assessment returns the Commissioner has decided that it is no longer necessary to monitor the authority's performance.

The Commissioner is pleased to note Cabinet Office's average response times and the percentage of responses that were within the statutory time limit. Thank you for your co-operation and the efforts that have gone into achieving these results.

However, before the case is closed the Commissioner has a few questions about the last submissions that were provided:

1. How many requests are currently outstanding?
2. How many are within the 21 – 40 working day category?
3. How many are within the 40+ working day category?

Please provide this information as soon as possible, either directly to Mrs Hogan or to the Commissioner's case [Ref. ENF0526172].

If you wish to discuss any of these matters please contact me.

Regards,

Michael Avery Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.
T. 01625 545558 F. 01625 524519 www.ico.org.uk

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Dear Mr Avery,

Thank you for this good news.

There are five complex requests outstanding from the last submission. All are over 40 days.

For the sake of clarification, I should point out that the Q1 2014 FOI performance figures due to be published shortly by the Ministry of Justice include the relatively small number of cases received and managed directly by the Prime Minister's Office – these do not appear in our monitoring returns in accordance with the practice established in our last monitoring period in 2011. These cases do not affect our response rate as the published figures will make clear.

Looking forward to meeting you on 17 June.

[REDACTED]



From: Michael Avery [mailto:Michael.Avery@ico.gsi.gov.uk]

Sent: 05 June 2014 15:27

To: [REDACTED] Cabinet Office

Cc: Smethurst, Roger - Cabinet Office [Confidential]; Elizabeth Hogan; Gerrard Tracey; casework

Subject: ICO Section 10 Monitoring Case[Ref. ENF0526172]

Dear [REDACTED]

Based on the information the Cabinet Office has provided in its self-assessment returns the Commissioner has decided that it is no longer necessary to monitor the authority's performance.

The Commissioner is pleased to note Cabinet Office's average response times and the percentage of responses that were within the statutory time limit. Thank you for your co-operation and the efforts that have gone into achieving these results.

However, before the case is closed the Commissioner has a few questions about the last submissions that were provided:

1. How many requests are currently outstanding?
2. How many are within the 21 – 40 working day category?
3. How many are within the 40+ working day category?

Please provide this information as soon as possible, either directly to Mrs Hogan or to the Commissioner's case [Ref. ENF0526172].

If you wish to discuss any of these matters please contact me.

Regards,

Michael Avery Case Officer

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17 June 2014

Case Reference Number ENF0526172

Dear Mr Smethurst

Compliance with section 10 Freedom of Information Act (FOIA) & regulation 5

Environmental Information Regulations (EIR) 2004

Further to your colleague, [REDACTED] letter to us of 6 June 2014, I write to confirm that our case of the above reference has now been closed.

Yours sincerely

Elizabeth Hogan (Mrs)
Senior Case Officer