

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 December 2011

Public Authority: The Department for Transport
Address: Great Minster House
76 Marsham Street
London
SW1P 4DR

Complainant: Mr Peter Silverman
Email Address: petersilverman@cleanhighways.co.uk

Decision (including any steps ordered)

1. The complainant has requested the Department for Transport's guidance for drafting replies to correspondence.
2. The Information Commissioner's decision is that the Department for Transport did not provide the requested information within 20 working days.

Request and response

3. On 19 September 2011 the complainant wrote to the Department for Transport (the DfT) and requested information in the following terms:

'Please refer to
<http://www.cabinetoffice.gov.uk/sites/de...>

Para 12 says:
Departments should publish their own detailed guidance for dealing with treat officially correspondence within their department

Please let me have a copy of the guidance for the DfT.

In Annex A says:

Each department should prepare their own internal guidance for officials on how to draft replies to correspondence. This might include templates, a list of "dos and don'ts" and guidance on the style which individual Ministers prefer. Departments should ensure that this guidance is disseminated to those who regularly draft correspondence and that it is easily accessible to all staff

Please let me have a copy of the DfT's own internal guidance if it is a different document.

If there is different guidance for correspondence from the public and MPs please send both.

Please reply via the whatdotheyknow web site.'

4. The DfT responded on 27 October 2011. It provided the requested information to the complainant.

Scope of the case

5. The complainant contacted the Information Commissioner (the Commissioner) to complain about the way his request for information had been handled.
6. The complainant has informed the Commissioner that he has received the requested information; however he wishes the Commissioner to consider the delay. The Commissioner's investigation has therefore been limited to considering whether the DfT complied with the statutory time limits.

Reasons for decision

7. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information and, if so, to provide it.
8. The request was submitted on 19 September 2011. The complainant received the requested information on 27 October 2011 after an interval of approximately 28 working days. The Commissioner therefore finds that the DfT breached section 10(1) by failing to comply with section 1(1) within the statutory time period.

Right of appeal

9. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

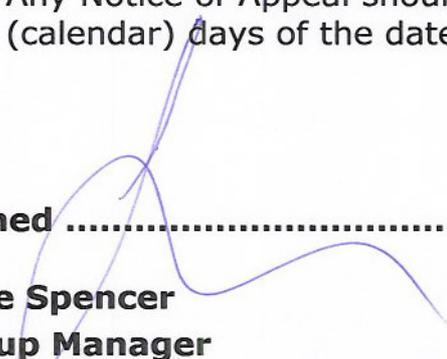
First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504
Fax: 0116 249 4253
Email: informationtribunal@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. If you wish to appeal against a Decision Notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

11. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Signed



Faye Spencer
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF