

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 May 2014

**Public Authority:** Department for Transport

**Address:** Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

**Complainant:** Mr Peter Silverman

**Address:** petersilverman@cleanhighways.co.uk

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the review of the Highway Agency's maintenance contracts. The Department for Transport (DfT) failed to respond to this request within the timescale for compliance and therefore breached the requirements of section 10(1) of the FOIA. However, the DfT has now referred the request to the Highways Agency (an executive agency of the DfT) who will be providing a response. As such the Commissioner does not require the DfT to take any steps.

### Request and response

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2. On 12 February 2014 the complainant wrote to the DfT and requested information in the following terms:

*"Please send me an electronic copy of this review of the Highways Agency's maintenance contracts. (NB I am not just asking for the sections dealing with cleansing/litter)."*

3. The DfT did not respond to this request and at the time of writing this notice a response had not been provided to the complainant.

## Scope of the case

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4. The complainant contacted the Commissioner on 16 April 2014 to complain about the failure of the DfT to respond to his request and to ask that the Commissioner intervene and issue a decision notice.

## Reasons for decision

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5. Section 1(1) of the FOIA provides that any person making a request for information to a public authority is entitled:

*"(a) to be informed in writing by the public authority whether it holds the information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him".*

6. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
7. In this case the DfT failed to respond within the 20 working day timescale and therefore has breached section 10(1) in relation to the handling of this request.
8. However, following contact with the Commissioner the DfT has informed him that the request has now been passed to the Highways Agency, one of its executive agencies, who are best placed to respond to the request. The Highways Agency has informed the Commissioner it is in the process of formulating a response and as such, at the time of writing this notice, the Commissioner does not require the DfT to take any steps.

## Right of appeal

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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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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  .....

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**