

Memorandum

Large
and
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To: **Dorothy Rimmer** Deputy FoIA Officer, Nuclear Directorate M3185-A53
From: **John H Large** 12 May 2010
Cc: David Hoadley SCANS
Subject: **FOI REQUEST 2009110149**

Thank you for your e-mail of 12 May 2010 and for the two attachments in response to items 3a) and 3d) of my request M3185-A8 of 25 October 2009.

I note to you that it has taken a period of some 7 months for you to satisfy my request first made in October of last year. Whereas I acknowledge and appreciate that you, yourselves, have been dependent upon a government department to be able to fulfil my request, I consider it to be totally unacceptable that my straightforward request for clearly and precisely cited documents has been so delayed.

Accordingly, I now apply for an independent internal review to be undertaken by the HSE on the basis of the following complaint:

- 1) That even in account of engagement of the public interest test for S24 and S26 by the Ministry of Justice, the actual time period required to receive a substantive response to a request originally lodged on 25 October 2009 being about 130 or so workings days is unacceptable, inasmuch:
 - a) that this time period is greatly in excess of the Information Commissioner's Office (ICO) *Good Practice Guidance N° 4* that clearly states “. . . our [ICO]view is that public authorities should aim to respond fully to all requests within 20 working days . . .”;
 - b) even if you considered the request to be overly complex, which I dispute because the request precisely identifies the title and authorship of the two documents sought, the ICO *Good Practice Guidance N° 4* goes on, stating “. . . In cases where the public interest considerations are exceptionally complex it may be reasonable to take longer but, in our view, in no case should the total time exceed 40 working days.”; and that
 - c) the projected time delay (of about 7 months) to produce a (promised) substantive response is in breach of *Section 17(3) of the Freedom of Information Act 2000 (FoI)*, as endorsed by the recent ICO *Decision Notice FS50194621* against the Ministry of Defence which found “. . . that the public authority [MoD] breached section 17(3) of the Act by failing to provide the complainant with its public interest determination within such time as is reasonable.”.

Also, you should note that I would not consider it acceptable or, indeed, plausible, for you to defray your responsibility in this matter on the basis that, as you may claim, the delay stemmed from the public interest test engagement being undertaken by the Ministry of Justice – my request was originally placed with the HSE so it should have remained your responsibility to ensure that all aspects of the Act were complied with.