

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 16 May 2022

Public Authority: Health and Safety Executive
Address: Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-121232-H3B5, for a decision whether a request for information made by the complainant to the Health and Safety Executive ("the HSE") on 11 April 2021, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 6 April 2022, the Commissioner wrote to the HSE and asked it to provide a copy of the information it was withholding and for a submission in respect of its position. He asked for this to be provided by Friday 6 May 2022.
3. The Commissioner's correspondence was not acknowledged and the HSE has failed to provide its submission, or indeed engage with the Commissioner's office in any way, at the date of this notice – despite the Commissioner's chasing.
4. The Commissioner notes that, of the four published decision notices he has issued to the HSE this year, he has had to serve information notices in each case to acquire the HSE's submission and the withheld information.

Information required

5. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that the HSE shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A copy of any information being withheld in respect of this request.
 - A substantive response to the numbered questions in the Commissioner's letter of 6 April 2022

Failure to comply

6. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

Right of appeal

7. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

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

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

8. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF