

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 13 April 2023

**Public Authority:** Canal and River Trust  
**Address:** National Waterways Museum  
South Pier Road  
Ellesmere Port  
CH65 4FW

### **Section 51**

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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**

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1. The Commissioner has received an application under section 50, reference IC-207776-J5V0, for a decision whether a request for information made by the complainant to the public authority on 1 November 2022, has been dealt with in accordance with the requirements of Part I of the Act.

## Nature of complaint

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2. The Commissioner wrote to the public authority on 17 February 2023 to confirm that he had accepted this complaint for investigation. He asked the public authority to prepare a final submission within 20 working days.
3. On 3 March 2023, the Commissioner sent a further letter to the public authority to give directions as to how his investigation would be likely to proceed. He asked for a response by 17 March 2023. The public authority asked if it could extend the deadline to 31 March 2023 – which the Commissioner agreed to.
4. On 21 March 2023, the public authority asked for a further extension of time, until 28 April 2023 in order to provide its submission. The Commissioner was unwilling to allow an extension of that length, but did agree to allow a further two weeks for the public authority to respond.
5. On 11 April 2023, the Commissioner received correspondence from solicitors, acting on behalf of the public authority, seeking a further extension of the deadline.

## Information required

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6. 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 public authority shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - Copies of any information falling within the scope of the request. The public authority should highlight any information it believes to be environmental information. The public authority should also (separately) highlight any (non-environmental) information it considers would fall outside the scope of FOIA by virtue of its designation in Schedule 1 of FOIA.
  - A detailed explanation of why the public authority believes that all, some, or none of the information is environmental.
  - A detailed explanation of why the public authority believes that all, some, or none of the information falls within the scope of FOIA by virtue of its designation as a public authority by schedule 1 of FOIA.

## **Failure to comply**

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7. 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

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8. 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](mailto:grc@Justice.gov.uk)

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

9. 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**