

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 28 February 2024

Public Authority: HM Treasury
Address: 1 Horse Guards Road
Westminster
London
SW1A 2HQ

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), 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 FOIA.

51. – (1) If the Commissioner –

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

he may serve the authority with a notice (in FOIA 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-258888-S5L9, for a decision whether a request for information made by the complainant to HM Treasury (“HMT”) on 9 January 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. On 9 January 2023, the complainant requested information of the following description:

"I am writing with regard to a file that is listed in the catalogue of the National Archives. I believe that the file is held by the Treasury. The file is titled - Parliamentary annuities to members of the Royal Family: accounts - and is listed as T 498/1.

<https://discovery.nationalarchives.gov.uk/details/r/C17141231>

Under the act, I would like to ask for a complete copy of this file to be released."

3. On 2 March 2023 HMT responded. It refused to provide the information it held within the scope of the request. It cited the following exemptions as its basis for doing so:

- section 40(2);

- section 41; and

- section 37(1)(ac).

4. The complainant requested an internal review on the same day. He drew attention to previous responses from the Hansard record which indicate that information of this nature was previously disclosed:

[https://hansard.parliament.uk/Commons/1989-03-](https://hansard.parliament.uk/Commons/1989-03-14/debates/21a9f3ec-6c13-42a6-9d77-6449012d300d/WrittenAnswers)

[14/debates/21a9f3ec-6c13-42a6-9d77-6449012d300d/WrittenAnswers](https://hansard.parliament.uk/Commons/1989-03-14/debates/21a9f3ec-6c13-42a6-9d77-6449012d300d/WrittenAnswers) (request by William Powell MP to Rt Hon Nigel Lawson MP – the then Chancellor of the Exchequer entitled "Civil List"); and

<https://api.parliament.uk/historic-hansard/commons/1990/jul/24/the-civil-list-proposals-reversion-to> (Civil List proposals for 1991 - 2000 provided to Parliament in February 1990).

5. HMT sent him the outcome of its internal review on 8 August 2023. It upheld its original position. The complainant subsequently complained to the Commissioner.
6. The Commissioner wrote to HMT on 23 November 2023 asking a series of questions and requesting various information to assist him in deciding the complaint. He asked HMT to respond by 6 December 2023.
7. On 6 December 2023 HMT provided the Commissioner with an update on a number of cases in a table. Regarding this case, it explained that it "will need more time" because it needed to "consult further with the Royal Household etc".

8. On 18 January 2024, HMT wrote to the Commissioner to apologise for the delay. It explained that it was “engaged in communications with the Royal Household, via the Cabinet Office, as we are obliged to do in relation to any material that concerns the Royal Family/Household”. It said that it was unable to “provide a date by which we will be in a position to respond to you but please be assured that work is ongoing on this case”. It asked the Commissioner for an unspecified extension.
9. The Commissioner replied on 23 January 2024. He explained that he had dealt with a number of FOIA cases involving the Royal Household since FOIA information access rights came into effect in 2005. He acknowledged that delays may arise in such cases but that he was unwilling to grant an open ended extension. He reminded HMT of his powers under section 51 to serve an information notice. He gave HMT a new extension of 19 February 2024 and reminded HMT that this was a generous extension. HMT replied on 23 January 2024. It acknowledged the detail and undertook to provide a response by this new deadline.
10. As at the date of this notice, HMT has not provided a response.

Information required

11. HMT shall, within 30 calendar days of the date of this notice, furnish the Commissioner with the following:

HMT’s full and final response to the Commissioner’s letter of 23 November 2023.

Failure to comply

12. 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 FOIA, and may be dealt with as a contempt of court.

Right of appeal

13. 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

14. 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.

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