

11 February 2022

Dear

Complaint in respect of Request for Information – reference ATISN 15762 and ATISN 15799

Thank you for your email of 24 January in which you requested a review of your handling of the above requests. In your email you state, with respect to the request ATISN 15788:

The request under the FOIA at paragraph 85 of my complaint was drafted to be conditional on certain trigger events, and these trigger events have not yet occurred.

And:

On the basis that the FOI requests in my complaint (ATISN 15788) should no longer be considered to be extant for the purposes of the FOI, I would kindly ask that my other requests be reconsidered.

I have been asked to conduct a review of the handling of your request, and the issue is therefore whether request ATISN 15788 should have been amalgamated with requests ATISN 15762 and ATISN 15799.

You query whether ATISN 15788 was a valid request that should have been treated under FOI. It is your argument that as this was not a valid request, your other two requests should be considered on their merits alone as to whether the time taken to process these requests would exceed the appropriate limit.

There is no requirement on a requester to cite the Act or to state they are making a request under it; any request that meets the legal criteria of a valid request falls to be considered under the provisions of the Act.

To that end, I note that in paragraph 85 of your letter of 19 October you stated:

I would ask that, in line with the principles of openness and accountability, the questions I have raised and the information I have requested be answered and/or provided, where available, without the necessity of me

having to formalise the requests under the FOIA. If such an approach is required than please treat the requests in the complaint as so being.

Officials did not, on reading that, come to the conclusion that the questions in your letter should be treated under the FOIA, but my determination is that they should have done so, in line with the ICO guidance ([recognising-a-request-made-under-the-foia.pdf \(ico.org.uk\)](#)) and as described above.

As the questions you raised had met the legal definition of an FOI request, they fell to be answered under FOI.

I apologise that the FOI request was not picked up at that stage, which has led us to record this as a case that over-ran.

This lapse was brought to our attention in your own message of 11 December 2021, in which you wrote:

To whom it may concern

I issued a complaint which was acknowledged on 19th October 2021. Within the complaint were specific questions. I have to date received no response to those questions, despite the fact that in paragraph 85 I stated, 'I would ask that, in line with the principles of openness and accountability, the questions I have raised and the information I have requested be answered and/or provided, where available, without the necessity of me having to formalise the requests under the FOIA. If such an approach is required than please treat the requests in the complaint as so being.'

Please confirm the FOI requests are being processed. In light of the fact that the FOI requests are significantly overdue please treat this as a complaint about the delay.

Even if you were of the view that you had not made a formal FOI request on 19 October, it is very clear that you intended to formalise those requests under FOI by 11 December. I therefore find that ATISN 15788 was indeed a valid FOI request, and as such it was correct to amalgamate that request with requests ATISN 15762 and ATISN 15799, all of which had been received within 60 working days of each other and were on the same subject matter.

I therefore uphold the decision by officials to refuse all these requests under the appropriate limit.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely

Christiane Glossop
Chief Veterinary Office