

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

**Dated 12 July 2005**

**Name of Public Authority:** The Home Office

**Address of Public Authority:** Immigration and Nationality Directorate  
IND Information Access team  
5<sup>th</sup> Floor, Whitgift, Centre Block C  
15 Wellesley Road  
Croydon  
CR9 3LY

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint from Mr David Brown of The People Newspaper, 1 Canada Square, Canary Wharf, London E14 5AP (the "complainant") which states that on 19<sup>th</sup> January 2005 the following information was requested from the Home Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

1. How many suspected Nazi war criminals were admitted to Britain after World War 11?
2. How many SS members - particularly members of the Galician Division of the SS - were admitted to Britain after World War 11?
3. How many of the people referred to in questions 1 and 2 are still alive and living here?
4. What were the grounds given for their admission by the Government at the time?
5. Is there a breakdown by nationality of those admitted? i.e. How many were German, Ukrainian, Lithuanian etc?
6. Was there any direct evidence that any of the people admitted were involved in any of the massacres carried out by the Galician Division of the SS?
7. How many of those admitted did the authorities consider prosecuting or deporting?
8. How many were prosecuted?
9. Are there any plans to prosecute any of those remaining here?

It is alleged that the Home Office failed to respond to the complainant's request within the statutory twenty working day period.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner

is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Home Office did not respond to the complainant's request of 19<sup>th</sup> January 2005 until 4<sup>th</sup> March 2005. The Commissioner's decision in this case is that the Home Office has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) of the Act states –

“... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt”.

**Action Required**

In view of the fact that the Home Office responded to the complainant's request on 4<sup>th</sup> March 2005 the Information Commissioner does not require that any steps be taken by the Home Office.

**Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 12<sup>th</sup> day of July 2005

Signed: .....

Graham Smith  
Deputy Commissioner  
Information Commissioner' Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF