

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 September 2012

Public Authority: Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant has requested information relating to medical information on the safe use of chemicals in specified sprays. The Home Office did not respond to the request until over 90 days after the date of request and after the Information Commissioner became involved. The Home Office stated that it had not received the request. Notwithstanding that the request was subsequently responded to, the complainant requested that a decision notice be issued by the Information Commissioner recording the delay.
2. The Commissioner's decision is that the Home Office has breached section 10(1), but no further action is required.

Request and response

3. On 9 April 2011, the complainant wrote to the Home Office by email and requested information in the following terms:

"The Home Office is therefore requested to forward details as a further Freedom of Information Act 2000 request of the medical information, if any, upon which the UK central government and the Home Office based their decision for the safe use of the various chemicals contained within these sprays".
4. The Information Commissioner notes that the complainant's request was contained within correspondence relating to a previous request that had been dealt with by the Home Office.

5. The complainant did not receive a response from the Home Office and so contacted the Information Commissioner.
6. The Information Commissioner contacted the Home Office and was informed that it did not have a record of receiving the email containing the request. Following some further investigation and on production of a copy of the original email the Home Office conceded that it had been sent to the correct address and that it would now issue a response.
7. On 23 August 2012 the Home office provided a response to the complainant and disclosed the requested information.

Scope of the case

8. The complainant contacted the Information Commissioner to complain about the way his request for information had been handled and requesting that a decision notice be issued.
9. The Information Commissioner notes that the complainant has now received a response to his request and that his complaint in this case relates solely to the delay in responding to the request of 9 April 2012.
10. The scope of the Information Commissioner's investigation is to consider whether there has been a breach of section 10(1).

Reasons for decision

11. Section 10(1) of the FOIA provides:

"...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."

12. The Home Office told the Information Commissioner that it had no record of having received the request of 9 April 2012 and that this was why it had not responded.
13. The Information Commissioner provided the Home office with a copy of the email and it was agreed that the email address to which the request was sent was correct.
14. The Information Commissioner notes that the Home Office provided a response on 23 August 2012, which is a timescale of over 90 working days and well over the 20 working days allowed.

Reference: FS50459452

15. The Information Commissioner has therefore recorded a breach of section 10(1) of FOIA.

Right of appeal

16. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

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

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

17. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

**Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**