

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 October 2013

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

Decision (including any steps ordered)

1. The complainant has requested information about claiming specific public funds in relation to immigration.
2. The Commissioner's decision is that the Home Office has not responded to the request and has therefore breached section 1 and section 10 of the FOIA.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - The Home Office must respond to the complainant's request.
4. The Home Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 31 January 2013, the complainant wrote to the Home Office (HO) requesting information.
6. The HO did not respond to the request.

Scope of the case

7. The complainant contacted the Commissioner on 15 May 2013 to complain about the lack of response by the HO to his request.
8. The Commissioner will consider the HO's lack of response.

Reasons for decision

9. Section 1 of the Act states that an individual who asks for information is entitled to be informed whether the information is held and if the information is held, to have the information communicated to them.
10. Section 10 of the Act states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
11. The Commissioner notes that the complainant contacted the HO about its lack of response. The Commissioner also contacted the HO about this issue and there has still been no response to the complainant's request.
12. The Commissioner therefore considers that the HO is in breach of sections 1 and 10 of the FOIA. He finds that the HO must respond to the complainant within 35 calendar days from the date of this decision notice.

Right of appeal

13. 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

14. 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.
15. 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
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF