

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 17 September 2013

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

#### Decision (including any steps ordered)

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1. The complainant submitted a request to the Home Office for information about Permanent Residence Cards. By the date of this notice the Home Office had yet to provide a substantive response to this request. The Information Commissioner's decision is that the Home Office breached section 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation:
  - issue a response under the FOIA.
3. The public authority 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

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4. On 16 March 2013 the complainant wrote to the Home Office via the *WhatDoTheyKnow.com* website and requested information in the following terms:

*"I am writing to request the following information regarding EEA4 Applications submitted over the past 12 months (in case the data for*

*February/March is not yet available, please provide information over 12 months up to the most recent month for which data is available):*

- 1. How many EEA4 applications were received by the UKBA?*
  - 2. How many applications took longer than 6 months to be processed?*
  - 3. How many case workers are there dealing with EEA4 applications?*
  - 4. Do these case workers exclusively deal with EEA4 applications?*
  - 5. If the case workers also deal with other types of application, on average what percentage of their time was spent dealing with EEA4 applications?*
  - 6. Considering that all relevant documents have been provided by the applicant, how long does it take a case worker to check an application, process it and issue the Permanent Residence Permit?"*
5. The Home Office acknowledged receipt of the request on 16 March 2013 and again on 19 March 2013.
  6. In the absence of any further response, the complainant contacted the Home Office again on 25 April 2013, again receiving an acknowledgement of receipt (which appears to be an automated acknowledgement).

## **Scope of the case**

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7. The complainant contacted the Commissioner on 4 June 2013 to complain about the way her request for information had been handled. She specifically asked the Commissioner to consider the fact that no substantive response had been provided.
8. No substantive response to the request had been provided by the date of this notice.

## **Reasons for decision**

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9. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.

10. Section 10(1) of the FOIA provides that 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.
11. The Commissioner has viewed the *WhatDoTheyKnow.com* website and has determined that no substantive response has been provided.

### *Conclusion*

12. The Commissioner's decision is that the Home Office did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of the FOIA by failing to provide a substantive response to the requests within the statutory timeframe of 20 working days. At paragraph 2 above the Home Office is now required to respond to the request of 16 March 2013 in accordance with the FOIA.

### **Other matters**

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13. As well as finding above that the Home Office is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Home Office should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

## Right of appeal

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14. 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](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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**