

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 June 2016

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

Decision (including any steps ordered)

1. The complainant requested information relating to Syrian refugees. The Home Office failed to respond substantively to this request and in so doing breached sections 1 and 10 of the FOIA. It is now required to respond to the request.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
3. 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 7 April 2016 the complainant wrote to the Home Office and requested information in the following terms:

"The number of Syrian refugees currently accommodated in each local authority area, who have arrived in the UK under the arrangements announced by the Prime Minister on 7 September 2015, in which he said that 20,000 Syrian refugees would be received in the UK by 2020."

5. By the date of this notice the Home Office had not issued a substantive response to this request.

Scope of the case

6. The complainant contacted the Commissioner on 18 May 2016 to complain about the failure by the Home Office to respond to his information request. The Commissioner contacted the Home Office on 24 May 2016 and asked it to respond to the complainant's request within 10 working days. The Home Office did not respond.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the FOIA 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 that information communicated to them. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
8. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond substantively to the request within 20 working days. The Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

9. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Home Office to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

Right of appeal

10. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

11. 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.
12. 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

Ben Tomes
Senior Case Officer
Information Commissioner's Office
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Water Lane
Wilmslow
Cheshire
SK9 5AF