

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding waiting times for EU residence documents.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
4. 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

5. On 23 February the complainant wrote to the Home Office via whatdotheyknow.com and requested information in the following terms:

"I would be grateful if you could tell me the latest available average waiting times for:

1. *EU residence cards*
2. *EU residence certificates*
3. *EU permanent residence cards*
4. *EU permanent residence certificates*

If the data is available I would like the information broken down by quarter so that it is possible to discern any trends in the data.

If the precise data is not available I would be grateful for whatever management information you currently hold on waiting times for EU residence documents."

6. The Home Office acknowledged the request on the same day and said it aimed to provide a full response by 23 March 2017.
7. On 30 March 2017 the Home Office sent an apology for the delay to the complainant and stated it would send a full reply as soon as possible.

Scope of the case

8. The complainant contacted the Commissioner on 3 May 2017 to complain about the way his request for information had been handled.
9. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
10. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

11. Section 10(1) of the FOIA states that

"Subject to subsections (2) and (3), 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. As a response has not yet been provided the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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

Alun Johnson
Team Manager
Information Commissioner's Office
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Water Lane
Wilmslow
Cheshire
SK9 5AF