

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 30 November 2017

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

#### **Decision (including any steps ordered)**

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1. The complainant requested information relating to disabled refugees.
2. By the date of this notice, the Home Office has yet to provide a substantive response to this request.
3. The Commissioner's decision is that the Home Office breached sections 1 and 10 of the FOIA in failing to provide a valid response to the request within 20 working days of receipt.
4. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation:
  - issue a response to the request in accordance with its obligations under the FOIA.
5. 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**

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6. On 15 April 2017, the complainant wrote to the Home Office and requested information in the following terms:

*"Could I please have the following data starting from the beginning of January 2014 up until the most recently available data, broken down by month:*

*Number of disabled adult refugees applying for resettlement in the UK*

*Number of disabled adult refugees granted resettlement in the UK*

*Number of disabled child refugees applying for resettlement in the UK*

*Number of disabled child refugees granted resettlement in the UK*

*If possible, please could I have the information requested in Excel format".*

7. The complainant chased the Home Office for a response in May 2017, June 2017, July 2017 and August 2017.
8. In response, the Home Office apologised for the length of time it was taking to provide a response to her request, variously telling the complainant that her request was '*under active consideration*' and '*being treated as a matter of priority*'.
9. By the date of this notice the Home Office had not issued a substantive response to this request.

### **Scope of the case**

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10. The complainant contacted the Commissioner on 23 August 2017 to complain about the way her request for information had been handled.
11. 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.
12. Despite this intervention the Home Office has failed to respond to the complainant.

## **Reasons for decision**

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### *Section 1 general right of access*

### *Section 10 time for compliance*

13. 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.
14. 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. From the information provided to the Commissioner it is evident that the Home Office did not respond to the complainant within the statutory timeframe in respect of this request.
15. The Commissioner's decision is that the Home Office did not deal with the request for information in accordance with the FOIA. By failing to respond to the request in this case within 20 working days, the Home Office breached sections 1(1) and 10(1) of the FOIA.
16. The Home Office is now required to respond to the request of 15 April 2017 in accordance with the FOIA.

## **Other matters**

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17. 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 within the statutory timescale. This issue may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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18. 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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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**