

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

### **Decision notice**

**Date:** 13 September 2018

**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 charter flight mass deportations.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Home Office to take the following step to ensure compliance with the legislation.
  - The Home Office must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Home Office must take this step 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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5. On 31 May 2018, the complainant wrote to the Home Office and requested information in the following terms:

*"1. In April 2018 how many charter flight mass deportations to Nigeria were*

- a) planned*
- b) carried out*
- c) cancelled*

*2. In April 2018 how many charter flight mass deportations to Ghana were*

- a) planned*
- b) carried out*
- c) cancelled*

*3. In April 2018 how many charter flight mass deportations to Pakistan were*

- a) planned*
- b) carried out*
- c) cancelled*

*4. In April 2018 how many charter flight mass deportations to Jamaica were*

- a) planned*
- b) carried out*
- c) cancelled*

*5. In April 2018 how many charter flight mass deportations to Commonwealth countries were*

- a) planned*
- b) carried out*
- c) cancelled*

*d) list the countries*

*6. In May 2018 how many charter flight mass deportations to Nigeria were*

- a) planned*
- b) carried out*
- c) cancelled*

*7. In May 2018 how many charter flight mass deportations to Ghana were*

- a) planned*
- b) carried out*

*c) cancelled*

*8. In May 2018 how many charter flight mass deportations to Pakistan were*

- a) planned*
- b) carried out*
- c) cancelled*

*9. In May 2018 how many charter flight mass deportations to Jamaica were*

- a) planned*
- b) carried out*
- c) cancelled*

*10. In May 2018 how many charter flight mass deportations to Commonwealth countries were*

- a) planned*
- b) carried out*
- c) cancelled*
- d) list the countries*

*11. How many deportations or removals by air took place to Commonwealth countries in a) April, b) May 2018 c) list each country & the numbers to each*

*12. Are there any charter flight mass deportations or removals or deportations on Commercial flights to Commonwealth countries planned in*

*June 2018*

*July 2018*

*August 2018*

*September 2018*

*October 2018*

*November 2018*

*December 2018*

*What is the reason for each of these planned deportations or removals.*

*What countries are they to.*

*13. List the number of people held in detention centres in the UK , awaiting removal or deportation to Commonwealth countries. List the countries and reason. List how many of these are because of*

*immigration status broken down by country of origin, age, gender, year arrived in the UK."*

6. The Home Office acknowledged the request on 1 June 2018 stating that it aimed to provide a full response by 28 June 2018.
7. On 3 July 2018 the complainant wrote to the Home Office to chase a response. The Home Office replied on 4 July 2018 acknowledging its failure to comply with section 10 of the FOIA and apologising for the delay. It was not able to provide an updated timescale for its response.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 2 July 2018 to complain about Home Office's failure to respond to her information request.
9. On 13 August 2018 the Commissioner wrote to the Home Office, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. Despite this intervention the Home Office had failed to respond to the complainant by the date of this notice.

### **Reasons for decision**

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11. Section 1(1) of FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

12. 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."*
13. From the evidence provided to the Commissioner in this case, it is clear that the Home Office did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Home Office

has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## 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: 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)

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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**