

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 February 2020

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

Decision (including any steps ordered)

1. The complainant submitted a follow up request to an earlier request about an immigration raid. The Home Office had failed to issue a substantive response to the request at the date of this notice.
2. The Commissioner's decision is that the Home Office failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. 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

5. On 14 October 2019, the complainant wrote to the Home Office to request an internal review of the way the Home Office responded to a previous request she had made for information about an immigration raid. In seeking a review, the complainant also sought additional information not covered by her original request. She therefore made a fresh request for information.

6. The Commissioner considers that it would serve no useful purpose to reproduce the lengthy correspondence in its entirety as most is not relevant to the issue at hand and the terms of the fresh request are not easily separated. Therefore the terms of the fresh request are set out in an annexe to this decision notice which will be provided to both parties.
7. The Home Office acknowledged receipt of the request for an internal review but had failed to provide a substantive response to the fresh request (or a review of the original request) by the date of this notice.

Scope of the case

8. The complainant contacted the Commissioner on 3 December 2019 to complain about the way that the Home Office had dealt with her earlier request.
9. When commencing her investigation into the way the original request had been dealt with, the Commissioner wrote to the Home Office on 11 February 2020 and also pointed out that a fresh request had been made and that the Home Office should issue a substantive response within 10 working days. The correspondence was neither acknowledged nor responded to.
10. The Commissioner will continue her consideration of the way the original request was dealt with as a separate complaint. This notice deals solely with the way the Home Office handled the fresh request.
11. The scope of this notice and the following analysis is to consider whether the Home Office has complied with section 10 of the FOIA.

Reasons for decision

12. Section 1(1) of the 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.*

13. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
 - (b) states the name of the applicant and an address for correspondence, and*
 - (c) describes the information requested.*
14. Whilst admittedly contained within a request for an internal review of an earlier request, the Commissioner nevertheless considers that the request in question fulfilled the criteria above and therefore constituted a valid request for recorded information under the FOIA.
15. Section 10 of the FOIA states that responses to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*
16. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Home Office has breached section 10 of the FOIA.

Right of appeal

17. 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@justice.gov.uk

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

18. 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.
19. 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

Phillip Angell
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