

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 February 2014

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

Decision (including any steps ordered)

1. The complainant requested information about the handling of previous requests for information relating to the "Go Home van campaign". The Home Office failed to respond to this request within 20 working days of receipt and in so doing breached section 10(1) of the FOIA.
2. The Commissioner requires the Home Office to take the following step to ensure compliance with the legislation.
 - Provide a response 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 Act and may be dealt with as a contempt of court.

Request and response

4. On 11 September 2013 the complainant wrote to the Home Office and requested information in the following terms:

"There seem to be lot of delays in your answering to the FOI requests re "Go Home" Van campaign.

I request you to release all the internal correspondence sent/received to date re following requests:

[four information requests made to the Home Office via whatdotheyknow.com]"

5. At the time of writing the Home Office had failed to respond to this request.

Scope of the case

6. The complainant contacted the Commissioner on 30 October 2013 to complain about the failure by the Home Office to respond to his request. On 16 January 2014 the complainant contacted the ICO again and confirmed that he had still not received a response to his request.

Reasons for decision

7. Section 10(1) of the FOIA provides that a public authority must comply with an information request promptly and in any event not later than the twentieth working day following the date of receipt. In this case the Home Office has breached section 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

8. As well as finding above that the Home Office is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Home Office should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

Right of appeal

9. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

10. 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.
11. 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