

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 January 2015

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

Decision (including any steps ordered)

1. The complainant has requested information relating to Home Office officials who have been dismissed for inappropriate use of files.
2. The Home Office (HO) failed to respond to this request for information and the Commissioner's decision is that in doing so the HO breached section 10(1) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires the HO to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with section 1 of the Act or issue a valid refusal notice
4. The HO 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 28 July 2014, the complainant wrote to the HO and requested information in the following terms:

"During his oral evidence session with the Home Affairs Select Committee on 8th July, the Permanent Secretary of the Home Office

Mark Sedwill was asked a question by the Chair of the Committee Keith Vaz:

Q94 Chair: How many Home Office officials have been dismissed for inappropriate use of files?

Mark Sedwill: I would have to come back to the Committee on that.

Following his evidence session, Mr Sedwill provided further information on this issue in a letter to the Home Affairs Select Committee on 11th July. He stated that

494 home office staff were dismissed from the home office between 2008 and 2014 – some of which may have been for the mistreatment of files.

For these dismissals, please provide the following information:

a) a breakdown by calendar year

b) within each year, a breakdown by reasons for dismissal, to the most detailed level possible within the cost limit"

6. The complainant wrote chasing a response from the HO on the 9 September 2014. The HO decided to conduct an internal review of the delay in responding to the request, rather than concentrate its efforts on providing a substantive response. The HO responded with the outcome of this review on 22 September 2014 and acknowledged that it had breached the FOIA through the delay in responding to the complainant's information request. It did not, however, give any indication of when a response to the request would be sent.
7. At the time of writing the HO had failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on 10 November 2014 to complain about the failure of the HO to respond to his request.

Reasons for decision

9. 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.
10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
11. In this case HO has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

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

13. 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.
14. 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

Pamela Clements
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