

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 October 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office relating to Border Force and their work on cruise ships.
2. The Commissioner's decision is that the Home Office has breached 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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

5. On 7 September 2016, the complainant wrote to the Home Office and *requested information in the following terms:*

"Under the terms of the Freedom of Information Act 2000, please provide me with full answers to each of the following questions regarding the Border Force and cruise ships.

- 1. Please send me the recent consultation document regarding the establishment of a premium service for cruise ships whereby they will pay to have Border Force guards on board to check passports*
 - 2. How many times have Border Force guards been on cruises in each of the past three financial years ie 2013-14, 2014-15 and 2015-16?*
 - 3. If possible please break these figures down by location ie 25 Transatlantic, 12 Mediterranean, 3 Nordic*
 - 4. Have there been any complaints regarding Border Force guards serving on cruise ships? If so, please detail*
 - 5. Have there been any disciplinary procedures regarding Border Force guards serving on cruise ships? If so, please detail*
 - 6. Please send me any internal briefing or training documents provided to Border Force guards when they start working on cruise ships, detailing their responsibilities and required behaviour"*
6. The Home Office acknowledged the request on 7 September 2016. It stated that it aimed to send a full response by 5 October 2016.
 7. The Home Office have not provided a response to the complainant.

Scope of the case

8. The complainant contacted the Commissioner on 24 February 2017 to complain about the way his request for information had been handled.
9. The Commissioner contacted the Home Office on 24 February 2017 and 23 August 2017, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.

Reasons for decision

10. Section 10(1) of FOIA states that :

"Subject to subsections (2) and (3), 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."

11. As a response has not yet been provided the Commissioner finds that the Home Office has breached section 10(1) in failing to respond 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: 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF