

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2023

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

Decision (including any steps ordered)

1. The complainant has requested information about three east London schoolgirls who went to Syria in 2015, from the Home Office. The Home Office would neither confirm nor deny ("NCND") holding the requested information, citing sections 23(5) (Information supplied by, or relating to, bodies dealing with security matters), 24(2) (National security) and 27(4) (International relations) of FOIA.
2. The Commissioner's decision is that sections 23(5) and 24(2) are properly engaged. No steps are required.

Request and response

3. On 1 October 2022, the complainant wrote to the Home Office and requested the following information:

"Concerning the case of the three east London schoolgirls who disappeared to Syria in 2015:

Which was the first Home Secretary informed that they had been assisted on their journey by a Canadian intelligence asset?

Who told that Home Secretary? What was that Home Secretary told? What action did the Home Office take as a result?

Who was informed about the matter by the Home Office?"

4. On 3 November 2022, the Home Office responded. It would NCND holding the requested information, citing sections 23(5), 24(2), and 27(4) of FOIA.
5. On 3 November 2022, the complainant requested an internal review.
6. The Home Office provided an internal review on 1 February 2023, in which it maintained its original position.

Scope of the case

7. The complainant contacted the Commissioner on 2 February 2023 to complain about the way his request for information had been handled. He said:

“The Home Office has provided a response of neither confirm nor deny, citing national security/international relations. Maybe some of the information requested does fall within those exemptions. I cannot know without access to it. However I do not believe the exemptions can be applied across the board to my queries. The requested information covers who was the first Home Secretary to learn about the Canadian involvement, how that Home Secretary found out and what was done. Those are domestic matters rather than international relations. The involvement of the Canadians is an established fact and my requests do not seek to go deeper into the Canadian involvement or seek information about relations between Britain and Canada”.

8. The Commissioner will consider the application of exemptions to the request below.

Reasons for decision

9. The Commissioner has already considered an almost identical request, made by the complainant to the Metropolitan Police Service (MPS), in respect of its Commissioner (dealt with under reference IC-208851-Q3M4¹).

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4024528/ic-208851-q3m4.pdf>

10. In that case, the MPS would also NCND holding the requested information on the basis of the same exemptions cited here, and several others.
11. The Commissioner determined in that case that the MPS was entitled to rely on sections 23(5) and 24(2) of FOIA to issue an NCND response to the request. Both of those exemptions have also been cited by the Home Office, here.
12. The Commissioner is satisfied that the same underlying considerations apply in this case. Rather than reiterate his rationale (which can be read in full in the aforementioned case), the Commissioner concludes, for the same reasons, and having had regard to any additional arguments presented by the Home Office, that the Home Office was entitled to NCND holding the information requested, by virtue of sections 23(3) and 24(2) of FOIA.
13. In view of this decision, he has not found it necessary to consider the other exemptions cited.

Right of appeal

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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

**Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF**