

Freedom of Information Act 2000 (Section 51) Information notice

|--|

12 August 2024

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

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. - (1) If the Commissioner -

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

 The Commissioner has received an application under section 50, reference IC-311501-T9Y8, for a decision whether a request for information made by the complainant to the Home Office on 26 March 2024, has been dealt with in accordance with the requirements of Part I of FOIA.



Nature of complaint

2. On 26 March 2024, the complainant made the following request for information under FOIA:

"I write to ask for information under the Freedom of Information Act 2000.

- 1. All written correspondence between the current Secretary of State for the Home Department and the Prime Minister regarding the plan to send asylum seekers to Rwanda. To narrow down the request the dates should be from the 13th November 2023 to the 26th March 2024".
- 3. The Home Office responded on 24 April 2024. It confirmed it holds information within the scope of the request, but refused to provide it, citing section 35(1)(b) (formulation of government policy) of FOIA.
- 4. The complainant requested an internal review on 26 April 2024.
- 5. The complainant notified the Commissioner on 4 June 2024 that the Home Office has failed to send its internal review.
- 6. The Commissioner accepted the complaint as eligible for consideration in the absence of an internal review.
- 7. The Commissioner wrote to the Home Office on 24 June 2024, raising various queries to assist with his investigation.
- 8. On 22 July 2024, the Home Office wrote to the Commissioner asking for "a little more time" to conclude the case and provide its substantive response. The Commissioner agreed to the Home Office's request for a two week extension to 5 August 2024.
- 9. On 8 August 2024, the Home Office contacted the Commissioner advising:

"We aim to reply to you soon".

10. It said that it would provide another update as soon as it could.

Information required

11. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Home Office shall, within 30 calendar days of the date



of this notice, furnish the Commissioner with a copy of the following information:

- a copy of the information which is being withheld, specifying which section of FOIA is being relied on for each item of correspondence;
- a full response to the Commissioner's questions, as set out in his letter of 24 June 2024, regarding the Home Office's basis for relying on section 35(1)(b).
- a full response to the Commissioner's questions, as set out in his letter to 24 June 2024, regarding the basis on which the Home Office considers that, on balance, the public interest in maintaining the exemption outweighs that in disclosing the withheld information.

Failure to comply

12. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.



Right of appeal

13. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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: <u>grc@Justice.gov.uk</u> Website: <u>www.justice.gov.uk/tribunals/general-regulatory-</u> <u>chamber</u>

14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed by

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