

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 15 February 2021

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

Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), 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 her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

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

she may serve the authority with a notice (in this Act 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

1. The Commissioner has received an application under section 50, reference IC-44090-M6D9, for a decision whether a request for information made by the complainant to the Home Office on 24 October 2019, has been dealt with in accordance with the requirements of Part I of the Act.

Nature of complaint

2. On 24 October 2019 the complainant made the following request for information under the Act:

"For the following dates September 23 to October 23 2019 please provide details of all intercepted illegal entries to the UK - including the entry method and time and location of interception. For multiple person entries please provide the number of men, women and children intercepted.

Please also say what happened to the people intercepted - such as but not excluded to - detailed in immigration centre - bailed to report to immigration centre at later date - or told to report to immigration centre by police as immigration officials not available".

3. It was not until 19 March 2020 that the Home Office provided its substantive response. It confirmed the Home Office holds the requested information, but refused to provide it, citing section 21(1) (information accessible to applicant by other means) of the Act as its basis for doing so.
4. The complainant requested an internal review of that response on 19 March 2020. He disputed that the requested information was in the public domain.
5. In the absence of a response, the complainant wrote to the Home Office on 20 May 2020. He subsequently complained to the Commissioner.
6. On 1 September 2020, the Commissioner wrote to the Home Office asking it to issue an internal review decision to the complainant, if it had not already done so, within 20 working days.
7. On 2 November 2020 she accepted the complaint without the internal review having been completed.
8. The Commissioner wrote to the Home Office on 12 November 2020 asking it to reconsider the way the request was handled this request and asking various questions to assist in her investigation. The Home Office was required to respond by 11 December 2020.
9. No such response was received.
10. The Home Office wrote to the Commissioner on 25 January 2021 advising that, having revisited the request, it no longer wished to rely on the exemption at section 21 to withhold the requested information. It further advised that it anticipated being able to finalise its position and provide its substantive response by 8 February 2021.

11. In a telephone call on 10 February 2021, the Home Office advised it was not yet in a position to finalise its response.

Information required

12. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she 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:

- written confirmation of its revised response to the request;
- a full response to her correspondence of 15 February 2021, a copy of which is attached to this notice.

Failure to comply

13. 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 the Act, and may be dealt with as a contempt of court.

Right of appeal

14. 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: 0300 1234504
Fax: 0870 739 5836
Email: grc@Justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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

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