

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 21 December 2016

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

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to pregnant women held in immigration detention.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA because it did not provide a response to the request within 20 working days. The Home Office has now responded and the Commissioner does not require it to take any further steps.

#### Request and response

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3. On 22 August 2016, the complainant wrote to the Home Office and requested information in the following terms:

*"a) From 1<sup>st</sup> January 2016 to 11<sup>th</sup> July 2016 (these dates inclusive), how many women who disclosed that they were pregnant were held in immigration detention?"*

*b) Of these women, how many were still in detention on 11<sup>th</sup> July 2016?"*

*c) Of these women, how many were no longer in detention on 11<sup>th</sup> July 2016, and how was their detention brought to an end? Specifically, of those who were no longer in detention on 11<sup>th</sup> July 2016, how many were:*

- i) removed from the UK;*
- ii) granted leave to enter or remain in the UK;*
- iii) granted temporary admission or release;*
- iv) granted bail;*

*v) had another outcome, not specified here (but were not still in detention on 11<sup>th</sup> July 2016)?*

*d) For women who had disclosed their pregnancy who were still detained on 11<sup>th</sup> July 2016, how long had they been in detention? Specifically, how many of these women had been detained for:*

*i) under two weeks;*

*ii) for two weeks or more, but less than a month;*

*iii) for one month or more, but less than two months;*

*iv) for two months or more, but less than three months;*

*v) for three months or more.*

*e) For women who disclosed their pregnancy who were no longer in detention on 11<sup>th</sup> July 2016, how long had they been detained? Specifically, how many of these women were in detention for:*

*i) under two weeks;*

*ii) for two weeks or more, but less than a month;*

*iii) for one month or more, but less than two months;*

*iv) for two months or more, but less than three months;*

*v) for three months or more."*

4. The Home Office provided a response to the request on the 28 November 2016.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 5 October 2016 to complain about the failure of the Home Office to respond to her request.
6. The Home Office provided a response during the Commissioner's investigation.

### **Reasons for decision**

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7. 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.
8. 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*".

9. In this case the Home Office has breached sections 1(1) and 10(1) of the FOIA by failing to respond to the request within 20 working days.

## Right of appeal

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10. 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](mailto:GRC@hmcts.gsi.gov.uk)

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

11. 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.
12. 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** .....

**Jon Manners**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**