

## 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 the number of people successfully intercepted at juxtaposed ports in France and Belgium between January and June 2016.
2. The Home Office failed to respond to this request for information and the Commissioner's decision is that in doing so the Home Office breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
  - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
4. The Home Office 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 FOIA and may be dealt with as a contempt of court.

#### Request and response

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5. On 17 July 2016, the complainant wrote to the Home Office and requested information in the following terms:

*"How many people were successfully intercepted at juxtaposed ports in France and Belgium in the first six months of this year attempting to reach the UK illegally. I would like a total figure for each of the six months (January – June) 2016.*

*I would like the figures to be broken down so it is clear how many clandestine entrants were caught and how many attempted to get into the UK using forged documents."*

6. At the date of this decision notice the Home Office had failed to respond substantively to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 13 October 2016 to complain about the failure of the Home Office to respond to his request.

### **Reasons for decision**

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8. The Commissioner wrote to the Home Office on 31 October 2016, asking it to respond to the complainant's request within ten working days, and to let the ICO know when this had been done. Despite this, neither the Commissioner nor the complainant received any response from the Home Office.
9. 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.
10. 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".
11. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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

Website: <http://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** .....

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