

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)

1. The complainant has requested information relating to the Home Office paying compensation for unlawfully detaining individuals under immigration powers.
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

5. On 10 June 2016, the complainant wrote to the Home Office and requested information in the following terms:

"How much money compensation has the Home Office paid for unlawfully detaining individuals under immigration powers in each of the past two years? (2014-15 and 2015-16)"

2. *For each year, how much went to Foreign National Offenders and how much went to immigration overstayers?*
3. *For each year, what were the ten biggest individual awards and if possible please state why the compensation was ordered in those cases."*
6. The Home Office acknowledged the request on the 13 June 2015.
7. The complainant wrote chasing a response from the Home Office on the 24 August 2016.
8. On the 25 August 2016 Home Office sent a holding letter stating that it was unable to send a full response within 20 working days.
9. At the date of this decision notice, the Home Office had yet to respond substantively to the request.

Scope of the case

10. The complainant contacted the Commissioner on 28 October 2016 to complain about the failure of the Home Office to respond to his request.

Reasons for decision

11. The Commissioner wrote to the Home Office on the 4 November 2016 and asked it to respond to the complainant's request within 10 working days. She wrote to it again on 23 November 2016 to ask it to confirm whether this had been done. Despite this, neither the Commissioner nor the complainant received any response from the Home Office.
12. 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 unless it is exempt from disclosure.
13. 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".
14. 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

15. 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

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

16. 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.
17. 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