

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2017

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

Decision (including any steps ordered)

1. The complainant requested information relating to the Yarl's Wood Immigration Removal Centre.
2. The Commissioner's decision is that the Home Office breached sections 1(1) and 10(1) of the FOIA in that it failed to provide a response to the request within the statutory timeframe of 20 working days.
3. The Commissioner requires the Home Office to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
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 Act and may be dealt with as a contempt of court.

Request and response

5. On 15 August 2016, the complainant wrote requesting information regarding the Yarl's Wood Immigration Removal Centre in the following terms:

"Please send me:

The statistics reporting the exact number of children detained in your facility each year between 2010 and 2015, their age and nationality.

The statistics reporting the exact number of women detained in your facility each year between 2010 and 2015, their age and nationality”.

6. The Home Office acknowledged the request on 24 August 2016. It told the complainant that it would aim to send her a full response by 22 September 2016.
7. However, despite reminders from the complainant and the intervention of the Commissioner, the Home Office had not responded substantively by the date of this notice.

Scope of the case

8. The complainant contacted the Commissioner on 11 October 2016 to complain that she had not received a response to her request.
9. The Commissioner wrote to the Home Office on 22 November 2016. She asked it to respond within 10 working days. However, at the time of writing, the Home Office had not provided its substantive response.
10. The scope of this case is the determination of whether the Home Office complied with sections 1 and 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA states that upon receipt of a request a public authority must confirm or deny whether the information is held, and if that information is held it must be communicated to the requester.
12. Section 10(1) of the FOIA states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
13. Despite several reminders from the complainant, and the intervention of the Commissioner, the Home Office had not responded to the complainant's request for information.
14. From the information provided to the Commissioner in this case it is evident that the Home Office did not respond to the complainant within the statutory timeframe in respect of this request.
15. The Commissioner's decision is that the Home Office did not deal with the request for information in accordance with the FOIA. In this case the Home Office breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The Home Office is now required to respond to the request in accordance with the FOIA.

Other matters

16. The delay in responding to this request will be logged as part of ongoing monitoring of the Home Office's compliance with the FOIA.

Right of appeal

17. 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: www.justice.gov.uk/tribunals/general-regulatory-chamber

18. 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.
19. 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