

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 06 April 2017

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 short-term holding facility at Dunkerque.
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 21 July 2016, the complainant wrote to the Home Office and requested information in the following terms:

"I write pursuant to the Freedom of Information Act 2000 (the 'Act') to request the following information in relation to the short-term holding facility at Dunkerque ('the facility'):

1. *the number of people who have been detained by the UK Border Force at the facility at in each month since January 2015;*
 2. *the number of women who have been detained by the UK Border Force at the facility in each month since January 2015;*
 3. *the number of children who have been detained by the UK Border Force at the facility in each month since January 2015;*
 4. *the ages of the ten youngest children detained by the UK Border Force at the facility since January 2015 and the lengths of their detention;*
 5. *the average detention time for detainees at the facility in each month since January 2015;*
 6. *the longest period of detention for any detainee the facility at Dunkerque January 2015."*
6. The Home Office acknowledged the request on the 22 July 2016.
 7. At the date of this decision notice, the Home Office had yet to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner to complain about the way his request for information had been handled.

Reasons for decision

9. The Commissioner wrote to the Home Office on 17 February 2017 and asked it to respond to the complainant's request within 10 working days. Despite this, neither the Commissioner nor the complainant received any response from the Home Office.
10. 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.
11. 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".
12. 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.

Other matters

13. As well as finding above that the Home Office is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the Home Office should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

Right of appeal

14. 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

15. 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.
16. 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
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Water Lane
Wilmslow
Cheshire
SK9 5AF