

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 September 2024

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office in relation to a passport application of a late relative.
2. The Commissioner's decision is that, on the balance of probabilities, the Home Office does not hold any further information within scope of the request.
3. The Commissioner does not require the Home Office to take any steps as a result of this decision.

Request and response

4. On 13 March 2024, the complainant wrote to the HO in the following terms:

“Can you send me all information relating to the last passport application of my late father submitted in the 1970s/80s.

His name was (redacted). Deceased 8 November 1983”

5. The Home Office responded on 4 April 2024 and provided information in scope of the request. This was caveated with the following: “Please note, due to the age of the record, we do not hold the physical passport application.”
6. The complainant requested an internal review on 19 April 2024 setting out their reasons and arguments as they believed the Home Office should hold the original documentation.
7. The Home Office responded on 13 May 2024 and further explained the reasons why it did not hold the information requested.

Reasons for decision

8. This reasoning covers whether the Home Office is correct when it says that it does not hold further information within the scope of the request.

The complainant’s position

9. The complainant considers the Home Office to hold information within the scope of their request.
10. The complainant said that:

“The information provided appears to be an extract from records and not the records themselves which will contain information ‘relating’ to the information requested. So, what I was looking for was effectively a copy of the relevant file, even if the records are in poor condition, rather than information extracted from them. This would include any documented information on the assessment of the application which may not have been included in the final record. Where you say, ‘we do not hold the physical passport application’ please confirm this is the original application sent to the passport office and it is not held in digital form.”

The Home Office's position

11. In its internal review the Home Office maintained its position that it has disclosed all the information it holds in scope of the request, and it does not hold the original documentation as requested. It stated that: "Due to the age of the passport record requested regarding (redacted), there are no copies, documents, or case notes available. His Majesty's Passport Office does not hold copies of passport applications prior to 1988. As the requested passport application was made in 1982, this information is not held."
12. The Home Office also explained that: "The information provided in our original response was extracted from an Index Card. This record is not within the scope of your request, but the extract was provided by the business area as supplementary information that may be helpful."

The Commissioner's position

13. The Commissioner notes that the complainant considers the Home Office should hold information within the scope of the request as they believe the information is relevant to the Home Office's work and functions. However, the Commissioner is satisfied that the Home Office has provided the information it held in scope of the request and carried out reasonable enquiries with the relevant departments in order to locate and confirm if any further information was held within the scope of the request.
14. The Commissioner is not required to prove beyond doubt that the Home Office do or do not hold further information but can only make a decision based on the civil standard of the "balance of probabilities" that information within the scope of the request is more likely than not held.
15. The Commissioner's decision is that on the balance of probabilities, the Home Office does not hold any further information within the scope of the original request.

Right of appeal

16. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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