

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2025

Public Authority: Home Office

Address: 2 Marsham Street
London
SW1P 4DF

1. Request:

The complainant requested the following information from the Home Office on 2 July 2024:

"Under the Freedom of Information Act 2000, I would like to request the following information:

- Has the department ever viewed information provided by Facewatch, either directly from the company or by third-parties such as retailers?
- Has the department ever tested or trialled information provided by Facewatch, either directly from the company or by third-parties such as retailers?
- Has the department ever used information provided by Facewatch, either directly from the company or by third-parties such as retailers?

If possible without exceeding the cost or time limit, please provide a breakdown of when each of the above took place and whether the Facewatch information was provided by the company/third-party

- In addition, if possible without exceeding the cost or time limit, please provide all correspondence containing the term "Facewatch"

Please limit the above searches to the period 10th June 2020 to the present day."

2. Commissioner's Decision:

Section 10(1) of FOIA states that a public authority must respond to a request within 20 working days. Section 17(3) of FOIA states that where a public authority is relying on a qualified exemption, it can have a "reasonable" extension of time to consider the public interest in maintaining the exemption or disclosing the information.

The section 45 Code of Practice states that usually this should be no more than a further 20 working days.¹ This means that the total time spent responding to a request should not exceed 40 working days unless there are exceptional circumstances.

The Commissioner does not consider there to be any exceptional circumstances and finds that, by failing to respond to the request within a reasonable time frame, the public authority has breached section 17(3) of FOIA.

3. Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 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 FOIA and may be dealt with as a contempt of court.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

4. Right of Appeal:

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

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

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**