

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2014

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 change of the passport service for British nationals living overseas.
2. The Home Office (HO) failed to respond to this request for information and the Commissioner's decision is that in doing so the HO breached sections 1(1) and 10(1) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires the HO to take the following steps to ensure compliance with the legislation.
 - Respond to the request
4. The HO 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 5 September 2014, the complainant wrote to the HO and requested information in the following terms:

"1a) A copy of the risk register associated with managing the transition from overseas passports being processed overseas to being processed in the UK.

1b) Covering the six-month period immediately prior to initial implementation of the changeover - which I believe happened on 10

December 2013 <https://www.gov.uk/government/world-location-news/important-change-to-passport-service-for-british-nationals> - minutes of meetings/documents prepared for meetings associated with this register and the transition process.

1c) As per my request for an internal review, if it is your position that the information could assist potential criminals then please redact only that information (which I believe would be minimal and I would expect any redaction to apply strictly to that information) and release the other information that I expect includes details of resourcing, staffing, location of offices and timescales etc; also, I am happy for you to redact any commercially sensitive information - e.g. contract negotiating positions and/or costs - but again would expect this to be strictly applied only to that information and for other information about resourcing, staffing, location of offices and timescales etc to be released. I also invite you to fully consider the public interest issues raised in my response to your original section 35 exemption.

2) If it remains your contention that collating this material would incur a disproportionate cost, please only release the risk register itself - bearing in mind the considerations raised in 1c)."

6. At the time of writing the HO had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 14 November 2014 to complain about the failure of the Home Office to respond to his request.

Reasons for decision

8. 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.
9. 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".
10. In this case HO has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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>

12. 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.
13. 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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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF