

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 January 2015

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

Decision (including any steps ordered)

1. The complainant has requested information relating to making a complaint, and contact addresses.
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 12 September 2014, the complainant wrote to the HO and requested information in the following terms:

"Please take this as a formal request under the terms of the Freedom of Information Act for one of you to provide the requested information, i.e. contact details for any complaints channel(s) open to me in order for me to ascertain where I can lodge my complaint about being treated in an

insulting, biased manner by Home Office staff, in breach of the Civil Service Code.

Please provide an email contact address suitable for this purpose."

6. The HO wrote to the complainant on the 29 October 2014 stating that the request is not being handled under the FOIA because the information concerned is in the public domain. The Commissioner wrote to the HO advising them that they must provide an adequate response to this request as section 17 requires. The Commissioner instructed the HO to issue an adequate response to the request within 10 working days.
7. At the time of writing the HO had failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on the 24 October 2014 to complain about the failure of the HO to respond to his request.

Reasons for decision

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

Right of appeal

12. 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>

13. 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.
14. 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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Wilmslow
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SK9 5AF