

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 November 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 registered sex offenders.
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.
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 15 November 2013, the complainant wrote to the Home Office and requested information in the following terms:

"1 How many people are on the Sex Offenders' Register

2a How many of these sex offenders were classed as 'missing' (untraceable by police) on September 1, 2012.

b How many of these sex offenders had been untraceable for more than 12 months?

c How many of these sex offenders had been untraceable for more than 2 years?

3a How many of these sex offenders were classed as 'missing' (untraceable by police) on September 1, 2013.

b How many of these sex offenders had been untraceable for more than 12 months?

c How many of these sex offenders had been untraceable for more than 2 years?

4 Among currently missing sex offenders, please state the longest length of time they remain undetected ie a registered sex offender remains undetected by police for nine years."

6. The complainant wrote chasing a response from the HO on the 23 December 2013. The HO decided to conduct an internal review of the delay in responding to the request, rather than concentrate its efforts on providing a substantive response. The Home Office responded with the outcome of this review on 14 January 2014 and acknowledged that it had breached the FOIA through the delay in responding to the complainant's information request. It did not, however, give any indication of when a response to the request would be sent. 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 31 October 2014 to complain about the failure of the Home Office to respond to her 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.

Other matters

11. The Commissioner is concerned by the severity of the delay in this case, which he regards as grossly excessive. He is also concerned at the failure of the Home Office to offer any explanation to the complainant for this delay. This is unacceptable. The Commissioner has made a record of this delay and has asked for an explanation from the Home Office separately from this notice.
12. It is essential that the Home Office takes steps to ensure that there is no repetition of this delay in relation to any future request. The Commissioner will be pursuing this with the Home Office.

Right of appeal

13. 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>

14. 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.
15. 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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