

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 12 June 2017

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

#### **Decision (including any steps ordered)**

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1. The complainant has requested information from the Home Office regarding the issuing of, and spending on, Azure cards.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

## Request and response

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5. On 19 January 2017, the complainant wrote to the Home Office and requested information in the following terms:

*"Under the FOI Act can you tell me please:*

*1) How many Azure cards have been issued to failed asylum seekers in Britain in 2014, 2015 and 2016. Please break down the stats year-by-year.*

*2) The amount spent on Azure cards in those three years, broken down year-by-year.*

*3) A breakdown of where the money has been spent across participating retailers Tesco, Boots, Sainsbury's, Co-Op, Mothercare, ASDA, Morrisons and Iceland.*

*4) The nationalities of Azure card recipients across those years. For example, 10,000 cards issued in 2014, 9000 of them to Albanians, 500 of them to Afghanis and 500 to Syrians."*

6. The Home Office responded on 20 January 2017. It stated that it aimed to give a full response by 16 February 2017.
7. The complainant chased a response on 17 February 2017 and 1 March 2017.
8. The Home Office apologised on both occasions but could not provide a timescale for a response.

## Scope of the case

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9. The complainant contacted the Commissioner on 7 April 2017 to complain about the way his request for information had been handled.
10. The Commissioner has considered whether the Home Office dealt with this request in accordance with its obligations under section 10(1) of the FOIA.

## Reasons for decision

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11. Section 10(1) of FOIA states that:

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

12. As a response has not yet been provided the Commissioner finds that the Home Office breached section 10(1) in failing to respond within 20 working days.

## Other matters

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13. As well as finding above that the Home Office is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future action against the Home Office should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

## Right of appeal

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14. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**