

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)

1. The complainant has requested information regarding the procedure on how curtailment notices are sent to the public.
2. The Commissioner's decision is that the Home Office has breached section 10(1) as it has failed to respond to this request for information.
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 this request in accordance with its obligations under 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

5. On 13 February 2017, the complainant wrote to the Home Office and requested information via the whatdotheyknow website in the following terms:

"Is there a definite procedure in on how to reach public with curtailment information?

A clear documentation is available on "Posting Passports and Documents" but, nothing on Posting Curtailment Information. Could you provide more details on the delivery of Curtailment Letter whether or not it is serviced as a Recorded Signed Delivery or as a Secured Delivery?

Assuming it to be a Recorded Signed Delivery or a Secured Delivery would the Home Office care to look if the sent document has been received?

Will the public receive a second notification or a series of notifications if they haven't received an earlier communication from Home Office to minimize the risk of overstaying foreigners."

6. The Home Office did not respond to the request.

Scope of the case

7. The complainant contacted the Commissioner on 20 March 2017 to complain about the way his request for information had been handled.
8. 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

9. 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."

10. As a response has not been provided at the date of this decision notice the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

Other matters

11. 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 is a systemic issues within the Home Office that are causing delays.

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: 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF