

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 from the Home Office regarding the number of applications made by minors' registration as a British Citizen who were refused under the good character requirement. The Home Office has not responded.
2. The Commissioner considers that the Home Office breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must provide the complainant with 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 16 November 2016, the complainant wrote to the Home Office and requested information in the following terms:

"Please provide the number of applications made by minors' registration as a British Citizen for each year from January 2010 to this date who were refused under the good character requirement who had applied for registration under:

i) s1(3) British Nationality Act 1981;

ii) s1(4) British Nationality Act 1981; and

iii) s3(1) British Nationality Act 1981."

6. The Home office did not respond to the request despite the complainant sending several follow up emails.

Scope of the case

7. The complainant contacted the Commissioner on 31 March 2017 to complain about the way her 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) FOIA

Reasons for decision

9. Section 10(1) of the 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. The request was made on 16 November 2016 and a response is yet to be provided. The Commissioner therefore finds that the Home Office 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 are 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
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Cheshire
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