

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 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 service level performance of queueing at Stanstead Airport Passport Control.
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

5. On 8 July 2016, the complainant wrote to the Home Office and requested information in the following terms:

"I have been pursuing a complaint via Border Force about the long waiting times at London Stansted Passport control. As part of their response the Border Force team have quoted that "Our Service Standard does state that 95% of British, EEA and Swiss passengers should wait

no longer than 25 minutes at passport control". They were not able to tell me how successful or otherwise they have been in meeting that standard.

They have referred me to the FOI process and eventually, after another month or so provided your address to help me get that information.

In very simple terms I'd be happy to have any data or information you can provide covering a recent period of 12 Months, ideally on a month by month basis, which show measurement of that standard for London Stansted. A reply by post or email is fine."

6. The Home Office acknowledged the request on 22 July 2016. It stated that it aimed to send a full response by 19 August 2016.
7. The complainant has chased a response numerous times.

Scope of the case

8. The complainant contacted the Commissioner on 20 June 2017 to complain about the way his request for information had been handled.
9. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
10. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

11. 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."
12. As a response has not yet been provided the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

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: 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

Alun Johnson
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Cheshire
SK9 5AF