

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

### **Decision notice**

**Date:** 20 March 2019

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

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

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1. The complainant requested information relating to a change made to the knowledge of language and life requirement for those applying for settlement or British Citizenship.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Home Office to take the following step to ensure compliance with the legislation.
  - The Home Office must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Home Office must take this step 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 26 November 2018, as part of ongoing email correspondence with the Home Office, the complainant requested information in the following terms:

*"During late 2015 the rule allowing an exemption to having to pass the Life and Language in the UK test was changed to a requirement that only a medical practitioner could suggest the exemption. The current incarnation of the rule change can be found below:*

*'Evidence of physical or mental condition If an applicant claims to have a physical or mental condition, they must provide original and current medical evidence from a medical practitioner. This must include the medical waiver proforma. Where a request for an exemption does not include a medical waiver proforma completed by a relevant medical practitioner you must provide the applicant with the opportunity to provide this unless the application falls to be refused on another ground.' (Page 9 Knowledge of language and life in the UK Version 21.0)*

*I would like to see the minutes of meetings, briefings to ministers, notes and any and all information connected to the change to the rule change in late 2015.*

*Please provide the information in the form of email to [email address redacted] or hard copy."*

6. To date a substantive response has not been provided.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 7 January 2019 to complain about the Home Office's failure to respond to his information request.
8. On 16 January 2019 the Commissioner wrote to the Home Office, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention the Home Office has failed to respond to the complainant.
10. The Commissioner has considered whether the Home Office has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

12. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*

13. From the evidence provided to the Commissioner in this case, it is clear that the Home Office did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Home Office has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## 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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**