

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 August 2019

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

Decision (including any steps ordered)

1. The complainant requested information relating to usage charges and monitoring of Aspen cards.
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 provide 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

5. On 21 May 2019, the complainant wrote to the Home Office and requested information in the following terms:

"This is a request for information under the Freedom of Information Act.

We understand that charges are being applied to Aspen card users when withdrawing cash from ATMs.

We also understand that asylum seekers spending is being monitored using these cards.

Please provide all information relating to usage charges applied to Aspen cards by either the Home Office or card providers and specify who implements the charge in each instance.

Please also provide all information relating to the monitoring of Aspen card usage including;

How many asylum seekers have had support withdrawn or reduced as a result of Home Office monitoring of Aspen card usage.

How many of those who had support withdrawn or reduced had dependent children.

The reasons for withdrawal or reduction of support.

Any information on impact assessments carried out by the Home Office or its subcontractors before withdrawing or reducing support.

Please include copies of information which you hold on paper or in electronic form. I would be grateful if you would supply this information in the form of photocopies or, if possible, by email."

6. The Home Office acknowledged the request on 22 May 2019. On 25 June 2019, the complainant contacted the Home Office to ask for an update. The Home Office responded on 25 June 2019, informing the complainant that it aimed to provide a response to the request by 24 July 2019. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 1 July 2019 to complain about the Home Office's failure to respond to her request.
8. 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

9. 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."

10. 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"*.
11. On 12 July 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.
12. Despite this intervention the Home Office has failed to respond to the complainant.
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

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@justice.gov.uk

Website: 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
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Wilmslow
Cheshire
SK9 5AF