

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 August 2020

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

Decision (including any steps ordered)

1. The complainant requested information from the Home Office about a specified email address.
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 18 February 2020, the complainant wrote to the Home Office via the website What Do They Know and requested information in the following terms:

"Two links have been provided for contact with the UK Visas and Immigration Department of the Home Office: Central Operations:

www.gov.uk/ukvi

www.gov.uk/contact-ukvi-inside-outside-uk

The former is a dead link.

The latter does not provide an email address to the above department.

Would you please provide an email address so that the above department can be contacted directly."

6. The Home Office acknowledged the request on 19 February 2020 and informed the complainant that it would answer the request outside the provisions of the FOIA. The Home Office explained that it did not consider the request to meet the criteria under the FOIA of being a request for recorded information.
7. On 26 February 2020, the Home Office contacted the complainant to request their personal email address separately from the What Do They Know website so that they could supply the information privately. The Home Office expressed concern that the complainant's personal data would be disclosed if this was done via the What Do They Know website.
8. On 28 February 2020, the complainant replied to the Home Office to say that they wished to receive a response on the What Do They Know website and indicated that she did not agree that it would be necessary to disclose any of her personal data in order to comply with her request.
9. On 19 May 2020, the Home Office repeated its insistence that a response could not be provided via the What Do They Know website and asked the complainant to contact them by private email to receive the information.
10. To date, a substantive response to the request has not been issued by the Home Office.

Scope of the case

11. The complainant contacted the Commissioner on 12 May 2020 to complain about the Home Office's failure to respond to her request.
12. On 25 June 2020, the Commissioner wrote to the complainant and advised them to receive the information privately through email as a quicker means of resolving the complaint. On 30 June 2020, the complainant contacted the Commissioner to say that she maintained that she wished to pursue the information through the FOIA and via the What Do They Know website.
13. 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

14. 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."

15. 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"*.
16. On 30 June 2020 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. The Commissioner explained that the request was valid under the FOIA as it related to recorded information.
17. Despite this intervention the Home Office has failed to respond to the complainant.
18. 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

19. 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

20. 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.
21. 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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