

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 March 2014

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

Decision (including any steps ordered)

1. The complainant requested information from the Home Office about files kept by and/or at the Home Office which relate to the Paedophile Information Exchange.
 2. The Home Office failed to respond to this request within 20 working days of receipt and in so doing breached section 10(1) of the FOIA.
 3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
 - provide a response to the request.
 4. The public authority 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.
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Request and response

5. On 2 December 2014 the complainant wrote to the Home Office and requested information in the following terms:

"I seek information, as detailed below, relating to files kept by and/or at the Home Office which relate to the Paedophile Information Exchange.

I am aware that earlier this year the Home Office published an executive summary of its enquiries into a previous request which related to PIE and other issues of alleged organised child abuse. Paragraph 1.8 of that document is titled: Paedophile Information Exchange

And states as follows:

'The Review identified 11 centrally recorded files from the 1980s relating to the Paedophile Information Exchange, all of which had been destroyed. The recorded file titles, together with media reports of events at the time, give some indication of the probable contents of these files from which the Investigator has concluded that their destruction was consistent with applicable record retention policies.'

I now request the following information:-

- 1. The recorded file titles of the 11 files referred to above*
 - 2. The dates on which each of these files was opened; and the dates on which each was closed.*
 - 3. In relation to each file, what action was ordered.*
 - 4. The date on which the contents of each file was destroyed.*
 - 5. The name and position of the officials who ordered each such destruction.*
 - 6. A copy of the "applicable record retention policies" under which the contents of each file was destroyed.*
 - 7. Any notes, annotation or cross references written on and/or made to each of these files".*
6. At the time of writing the Home Office had failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 6 January 2014 to complain about the way his request for information had been handled. He told the Commissioner that although his request for information had been acknowledged, he had not received a substantive response.
8. On 30 January 2014 the complainant confirmed that he had still not received a response to his request.

Reasons for decision

9. Section 10(1) of the FOIA provides that a public authority must comply with an information request promptly and in any event not later than the twentieth working day following the date of receipt. In this case the Home Office has breached section 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

10. 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 enforcement 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

11. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF