

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 11 March 2025

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

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

"If the Commissioner –

(a) has received an application under section 50, ...

"he may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified."

Application under section 50 of FOIA

1. The Commissioner has received an application under section 50 of FOIA, reference IC-336911-B3F0, for a decision whether a request for information made by the complainant to the Home Office on 21 November 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Reasons for the Notice

2. On 27 January 2025, the Commissioner wrote to the Home Office setting out the scope of his investigation. He asked to be provided with submissions relevant to the exemptions being applied and for some of the withheld information.
3. In line with previous agreements with the Home Office (although not in line with his usual practice with public authorities more generally – who are given much shorter deadlines), the Commissioner set a deadline of 20 working days for the information to be provided to him.
4. At the date of this notice, whilst the Home Office has provided regular progress updates, no substantive response has been received. On 10 March 2025, the Home Office asked for a further week's extension.
5. Whilst the Commissioner accepts that the Home Office is working on a response and its engagement on this case to date has been good, the Commissioner does not consider that a further extension is reasonable in this case unless backed by a legally-enforceable deadline.

Information required

6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the public authority shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - Any information the Home Office is relying on section 35 of FOIA to withhold.
 - A substantive response to each of the numbered questions in his letter of 27 January 2025.

Failure to comply

7. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

8. Either party has the right to appeal against this information 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

9. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF