



## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 2<sup>nd</sup> November 2005

**Name of Public Authority:** The Home Office

**Address of Public Authority:** The Home Office  
Seacole Building  
2 Marsham Street  
London  
SW1P 4DF

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 3<sup>rd</sup> January 2005 the following information was requested from the Home Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

"all internal policy documents and communication traffic (emails and other documents) concerning changes in the implementation of immigration rules- those specifically regarding the BRACE exercises and any other backlog reduction or clearance exercises, the ECAA caseload and student and marriage work streams (all these from 2002 onwards) – and those between officials and between officials and ministers discussing presentation to the media from March 7 up to present".

The Home Office did not respond to the complainant's request of 3<sup>rd</sup> January 2005 until 19<sup>th</sup> September 2005. It is alleged that the Home Office failed to respond to the complainant's request within the twenty working day period for a response to a request for information made under section 1, prescribed by section 10 of the Act.

Section 10(1) of the Act states –

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."



## **The Duty of the Commissioner under section 50**

Under section 50(1) of the Act any person may apply to the Commissioner for a decision whether his request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Act.

Under section 50(2) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to make such a decision as referred to in section 50(1).

Under section 50(3) of the Act the Commissioner shall either notify the complainant that he has not made a decision or serve a notice of his decision on both the complainant and the public authority.

## **The Commissioner's Decision**

The Commissioner's decision in this case is that the Home Office has not dealt with the complainant's request in accordance with the requirements of Part 1 of the Act in that it has failed to comply with:

Section 10(1) – in that it exceeded the statutory time limit for responding to a request made under section 1.

## **Action Required**

The Information Commissioner has advised the Home Office how it should comply with the statutory time limits in relation to requests for information it may receive in the future.

The Home Office responded to the complainant's request on 19<sup>th</sup> September advising that the requested information would not be provided as the cost of supply would exceed the prescribed limit and suggesting that the complainant refine his request so that it might fall within the prescribed costs limit. The complainant has responded to the Home Office suggestion that he refine his request in an email dated 27<sup>th</sup> September 2005.



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 2nd day of November 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF