

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 9th November 2005

Name of Public Authority: Home Office

Address of Public Authority: 2 Marsham St
London
SW1P 4DF

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above person (the "complainant") which states that on 2nd April 2005 the following information was requested from the Home Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

- “1. Number of male staff currently suspended?
2. Number of female staff currently suspended?
3. Number of male staff who lodged an appeal?
4. Number of female staff who lodged an appeal?
5. Number of male staff whose appeal was granted?
6. Number of female staff whose appeal was granted?”

It is alleged that the Home Office failed to respond to this request within 20 working days.

The Commissioner's Decision

Under section 50(1) 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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The complainant made his request by letter on 2nd April 2005. Although there was an initial response, the Home Office did not comply with section 1 until 11th May 2005. The Home Office has therefore not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Reference: FS50087463

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.”

Action Required

As the information request was responded to, albeit outside 20 working days, there are not any further actions necessary in connection with this matter. In view of these matters the Commissioner hereby gives notice that he does not require any remedial steps to be taken by the Home Office.

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: informationtribunal@dca.gsi.gov.uk
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 9th day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF