

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 2 November 2009

Public Authority: Home Office
Address: Seacole Building
2 Marshall Street
London
SW1P 4DF

Summary

The complainant submitted a request to the Home Office for information about the Department's staffing and funding for publicity and communications. A response to the request was not provided within twenty working days. The Commissioner's decision is that the Home Office breached section 10(1) of the Act.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 28 July 2009 the complainant requested the following information:
 - 1) The number of staff (full-time equivalent) working in marketing, external communications and press offices.
 - 2) The number of dedicated Freedom of Information officers (full-time equivalent)
 - 3) Total staffing cost of marketing, external communications and press officers.
 - 4) Total staffing cost of dedicated Freedom of Information staff.
 - 5) Total spending on marketing, external communications and press officers.

- 6) Total spending on Freedom of Information.
- 7) If the department produces a newsletter then the name of this publication and all associated costs.

The Investigation

Scope of the case

3. On 9 September 2009, the complainant contacted the Commissioner to complain about the way her request for information had been handled. The investigation focuses solely on the time taken to provide a response to the request, rather than the content of the response itself.

Chronology

4. The complainant made the request on 28 July 2009. The Home Office acknowledged this request on 30 July 2009.
5. On 9 September 2009, the complainant wrote to the Home Office enquiring when she might receive a response to her request.
6. A complaint to the Information Commissioners Office was made on 9 September 2009.
7. The Home Office sent a response to the complainant on 15 September 2009.

Analysis

Procedural Requirements

Section 10

8. Section 10(1) of the Act states that:

“Subject to subsections (2) and (3), 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 Commissioner considers the Home Office has breached section 10(1) of the Act as it failed to respond to the request within twenty working days following the date of receipt.

The Decision

9. The Home Office has breached section 10(1) of the Act in failing to comply with section 1(1) within twenty working days following receipt of the request.

Steps Required

10. The Commissioner requires no steps to be taken.

Right of Appeal

11. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@tribunals.gsi.gov.uk.
Website: www.informationtribunal.gov.uk

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.

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

Dated the 2nd day of November 2009

Signed

**Lisa Adshead
Senior FOI Policy Manager**

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

Legal Annex

General Right of Access

Section 1(1) provides 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.”

Time for Compliance

Section 10(1) provides that –

“Subject to subsections (2) and (3), 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.”

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”