

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 23 July 2013

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

### **Decision (including any steps ordered)**

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1. The complainant has requested information about form IS.96, issued by the UK Border Agency. The Home Office has not responded to the request.
2. The Commissioner's decision is that the Home Office has breached section 10 of the FOIA.
3. The Commissioner requires the public authority to respond to the request in accordance with the obligations under the FOIA.
4. The public authority must take these steps 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.

### **Request and response**

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5. On 13 March 2013, the complainant wrote to the Home Office and made the following request for information:

*"I have come across an individual with an IS.96 form and stated on this form his address is "not known" and yet it is also stated on the form that he MUST reside at this address. This individual is street homeless, not allowed to work, not entitled to benefits and is reporting regularly as expected to Becket House.*

*I would like to request the number of IS.96 forms issued in the previous calendar year which have the address stated as "not known" or "NFA" or similar, anything that implies the person does not have an address."*

6. The Home Office acknowledged receipt of the request the same day but did not subsequently provide a response to the request, despite the complainant contacting it again on 9 May 2013 and on 29 May 2013 to remind it of its obligations under the FOIA.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 29 May 2013 to complain that her request for information had not been responded to.
8. The Commissioner wrote to the Home Office on 3 June 2013 and requested that a response to the request be provided within 10 working days.
9. The complainant informed the Commissioner on 8 July 2013 that she had received no response from the Home Office.

### **Reasons for decision**

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10. Section 10 of FOIA requires that a request for information should be responded to within 20 working days of receipt. In this case a response was not provided. Therefore, the Home Office breached section 10 of the FOIA in relation to the complainant's request.

## Right of appeal

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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: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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**