

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 July 2014

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

Decision (including any steps ordered)

1. The complainant requested information relating to the sex offenders register. The Home Office failed to respond to this request and the Commissioner's decision is that in so doing the Home Office breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation:
 - respond to the request.
3. The Home Office 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

4. On 25 April 2014, the complainant wrote to the Home Office and requested information in the following terms:

"I am requesting the following information about the Home Office under the Freedom of Information Act:

- *The number of people who have been added to the sex offenders register in Devon and Cornwall since it was introduced in 2003.*
 - *The number of those who have re-offended since they were added to the sex offenders register.*
 - *A total number of offences that have been committed by those who have re-offended since being added to the register.*
 - *Of those who have re-offended, how many times each person re-offended?"*
5. The Home Office acknowledged receipt of this request on 25 April 2014, but by the time of writing had failed to respond substantively to this information request.

Scope of the case

6. The complainant contacted the Commissioner on 9 June 2014 to complain about the failure of the Home Office to respond to his request. The Commissioner contacted the Home Office on 17 June 2014 and asked it to provide a response to the complainant's request within 10 working days. The Home Office did not respond.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
8. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

9. As well as the finding above that the Home Office has breached the FOIA in this case, a record has been made of the failure to respond to the complainant's information request and this issue may be revisited in future enforcement action.

Right of appeal

10. 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: GRC@hmcts.gsi.gov.uk

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

11. 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.
12. 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
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Wilmslow
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SK9 5AF