

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 July 2015

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

Decision (including any steps ordered)

1. The complainant has requested information about a "file amnesty" exercise referred to in the Wanless and Whittam Review.
2. The Home Office failed to respond to this request for information and the Commissioner's decision is that in doing so it breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 14 November 2014, the complainant wrote to the Home Office and requested information in the following terms:

"The recently published Wanless and Whittam Review refers (paragraph 2 on p13) to a "file amnesty' exercise".

With regard to this exercise, please send me the following information:

1. *The number of files that have been declared by staff*
 2. *The number of staff who have declared files*
 3. *For each such file, (a) its title; (b) its security classification; (c) the date on which it was created; (d) the date of the most recent document within it*
 4. *The date on which the file amnesty exercise was launched.*
 5. *Whether the exercise is still continuing and if not, the date on which it was terminated."*
6. At the time of writing the Home Office had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 1 April 2015 to complain about the failure of the Home Office to respond to his request.

Reasons for decision

8. 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.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. 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.

Right of appeal

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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
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Wycliffe House
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Wilmslow
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SK9 5AF