

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 October 2015

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

Decision (including any steps ordered)

1. The complainant requested information relating to deprivation of British citizenship. The Home Office failed to respond substantively to this request and the Commissioner finds that, in so doing, it 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 15 June 2015 the complainant wrote to the Home Office and requested information in the following terms:

"I'd like to make a freedom of information request regarding the number of people deprived of their British citizenship under the British Nationality Act.

1. How many individuals have been stripped of their UK citizenship in

each of the years since 2005, including in 2015 to date?

What number were deprived of their citizenship on fraudulent grounds, by year if possible but if not then in total?

What number were deprived of their citizenship on national security grounds, by year if possible but if not then in total?

2. For those with dual nationality, please provide the other nationalities of individuals who have lost their citizenship since 2005.

3. Since the new BNA came into effect last summer (2014), how many individuals with sole British nationality have been deprived of their citizenship and on what grounds (fraud or national security)?"

5. At the time of writing the Home Office had failed to respond substantively to this information request.

Scope of the case

6. The complainant contacted the Commissioner on 19 August 2015 to complain about the failure of the Home Office to respond to her information request.
7. The ICO contacted the Home Office on 7 September 2015 to raise the issue of the complainant's information request. The Home Office was notified that, if it did not respond to the request within 10 working days from that date, a decision notice obliging it to respond would be issued.
8. The Home Office did not respond.

Reasons for decision

Sections 1 and 10

9. 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*".
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. At paragraph 2 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

11. 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

12. 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>

13. 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.
14. 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