

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2015

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

Decision (including any steps ordered)

1. The complainant requested information relating to asylum seekers. The Home Office failed to respond to this request.
2. The Commissioner's decision is that in failing to respond to this request the Home Office breached sections 1(1) and 10(1) of the FOIA. The Home Office is now required to respond to this request.
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 2 August 2015 the complainant wrote to the Home Office and requested information in the following terms:

"Please provide me with copies of reports to and correspondence between ministers, civil servants and external advisors (including those from within other government departments) in relation to the public

health risks of placing asylum seekers in hotel accommodation, as reported in the Mail on Sunday on 2nd August 2015. Particularly in relation to the risks associated by not screening for the following;

- *TB, typhoid, cholera and diphtheria*
- *HIV and Hepatitis*
- *Scabies, mites, body and head lice*
- *Fungal and other transmissible skin infections and diseases*

Secondly, please provide copies of health risk information in relation to the above health risks as provided to hotel owners, managers and operators contracted to house asylum seekers."

6. The Home Office did not respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 31 October 2015 to complain about the failure by the Home Office to respond to his request.
8. The Commissioner contacted the Home Office on 23 November 2015 and asked it to respond to the request. The Home Office responded that it had no record of having received the request. Evidence was forwarded to the Home Office showing that the request had been sent to it. The Home Office responded stating that it was aiming to respond by 22 December 2015. Owing to the delay to that point, the Commissioner has proceeded with the issuing of this notice.

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 3 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.

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

Ben Tomes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF