

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

### **Decision notice**

**Date:** 13 January 2016

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

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

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1. The complainant requested information relating to a review carried out of English language test suppliers and a review of the "Life in the UK Test". The Home Office failed to substantively 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**

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5. On 7 July 2015 the complainant wrote to the Home Office and requested information in the following terms:

*"Under the terms of the Freedom of Information Act 2000, please provide me with full copies of each of the following:"*

1. *The review of English language test suppliers carried out by Moore Stephens and referred to on p78 of the Home Office annual report 2014-15*
  2. *The review of the Life in the UK test carried out by Moore Stephens and referred to on p78 of the Home Office annual report 2014-15”.*
6. By the date of this notice the Home Office had failed to respond substantively to this request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 26 November 2015 to complain about the failure by the Home Office to respond to his request.
8. The Commissioner contacted the Home Office on 16 December 2015 and asked it to provide a full response to the request within 10 working days. The Home Office did not respond.

### **Reasons for decision**

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#### **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 substantively 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**

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11. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Home Office to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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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](mailto: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**