

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 20 October 2016

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

#### Decision (including any steps ordered)

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1. The complainant has requested information regarding details of financial support provided to lawyers representing the families of victims of the Hillsborough disaster from the Home Office.
2. The Commissioner's decision is that the Home Office has failed to provide a response to the request within the statutory time frame of 20 working days. She requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
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

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4. On 27 April 2016 the complainant wrote to the Home Office and requested information in the following terms:

*"I would be grateful if you would provide information regarding the financial support the Home Office has provided to lawyers representing the families of victims of the Hillsborough disaster at the inquests concluded yesterday.*

*Specifically I would be grateful if the Home Office would provide the amount paid to each law firm.*

*I presume the Home Office has not paid any sums directly to barristers representing the families at the inquests as they would be instructed by solicitors but if I am wrong any payments direct to barristers are sought.*

*This request should be read to include preparatory work undertaken by lawyers prior to the formal opening of the inquests in March 2014 as well as during the hearings themselves”.*

5. The Home Office responded on 17 May 2016. It advised that: *“to ensure we provide an accurate figure we will make the information available as soon as practical after final invoices have been received and audited”*. Although this appears to relate to section 22 of the FOIA – intended for future publication - no exemption was cited and no public interest test was undertaken.
6. The complainant requested an internal review on 17 May 2016. As one had not been provided he wrote to the Commissioner on 13 July 2016 to raise this matter. The Commissioner wrote to the Home Office on 26 July 2016 asking for it to provide an internal review; to date this remains outstanding.
7. Having heard nothing regarding his request for an internal review, on 1 September 2016 the complainant made a similar request to the Home Office, as follows:

*“I would like to ask for some information on the payments made to lawyers representing Hillsborough families at the inquests in Warrington which ended in April.*

*Specifically, I would like a breakdown of the payments made to each firm of solicitors representing the families during the inquest process, ie including any preparatory work prior to the start of the hearings.*

*I presume all the payments went to firms of solicitors but if there were any separate payments made to barristers I would be grateful if these would also be identified.*

*I asked for this information at the end of the inquests but that request has not been properly processed by the Home Office and unfortunately the ICO has been required to intervene to require the Home Office to respond to a request for an internal review. To date, the Home Office has still not done so.*

*In any event, it is now more than four months since that request*

*and the conclusion of the inquests so it is reasonable to make a fresh request given the passage of time”.*

8. The Home Office acknowledged receipt of this request, however it failed to respond within the statutory time limit.
9. On 30 September 2016 the complainant contacted the Commissioner about the Home Office's lack of response. The Commissioner wrote to the Home Office on 5 October 2016 reminding it of its responsibilities and requiring a response. Although requested, no acknowledgement was received from the Home Office. No response has been provided to date.

### **Scope of the case**

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10. The complainant contacted the Commissioner on 12 October 2016 to advise that he had still received no response. The Commissioner will consider the non-response to his latter request below.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

11. The Commissioner considered whether the Home Office has responded to the request of 1 September 2016 in line with the provisions of the FOIA.
12. Despite the intervention of the Commissioner, the Home Office has not responded to the complainant's request for information. Furthermore, it has failed to even acknowledge the Commissioner's correspondence on the matter.
13. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
14. From the information provided to the Commissioner in this case it is evident that the Home Office did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## **Other matters**

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15. As well as issuing this notice, the Commissioner has made a separate record of the Home Office's handling of these requests. In respect of the first request, she has noted the Home Office's non-FOIA compliant response as well as the lack of internal review. In respect of this later request she has noted the delay. In respect of both requests she has noted the poor engagement by the Home Office with her office. These issues may be revisited should evidence from other cases suggest that this is necessary.

## Right of appeal

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16. 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: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**