

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 October 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding escapes from Immigration Removal Centres.
2. The Commissioner's decision is that the Home Office has breached 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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

5. On 10 May 2016, 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 answers to each of the following questions

regarding absconders from Immigration Removal Centres.

I am sending this request both to the Home Office and Ministry of Justice as I am unclear as to who would have responsibility for this.

- 1. How many people absconded from Immigration Removal Centres in 2013-14, 2014-15 and 2015-16?*
 - 2. For each year, how many are still at large?*
 - 3. Of these, please give details of the date, location and means of escape ie IRC Heathrow, 01/04/15, climbed over fence.*
 - 4. So that the public may aid the authorities in recapturing them, please provide the name, nationality and a photograph of each absconder who is still at large."*
6. The Home Office acknowledged the request on 11 May 2016. It stated that it aimed to send a full response by 8 June 2016.
 7. The Home Office have not provided a response to the complainant.

Scope of the case

8. The complainant contacted the Commissioner on 5 January 2017 to complain about the way his request for information had been handled.
9. The Commissioner contacted the Home Office on 24 February 2017 and 23 August 2017, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.

Reasons for decision

10. Section 10(1) of FOIA states that :

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

11. As a response has not yet been provided the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

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: 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF