

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding certified immigration decisions.
2. The Commissioner's decision is that the Home Office has breached section 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 14 October 2018, the complainant wrote to the Home Office and requested information in the following terms:

"Please could you provide the following data:

The number of asylum decision which were certified
a) *Under section 96(1) of the Immigration Act 2002*
b) *Under section 96(2) of the Immigration Act 2002*
c) *Under section 94 of the immigration Act 2002*
d) *Under any other provision*

Please could you provide the figures for each quarter from 1.1.14 until the present day?

Please could you also provide the total number of asylum decisions taken for applicants who were detained at the point of decision for each quarter from 1.1.14 until the present day."

6. The complainant chased a response on 18 January 2017 and the Home Office responded on the same day, apologising for the delay and stating that it would send a full response as soon as possible.

Scope of the case

7. The complainant contacted the Commissioner on 24 February 2017 to complain about the way her request for information had been handled.
8. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
9. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

10. Section 10(1) of FOIA/EIR 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 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**