

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 January 2018

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

Decision (including any steps ordered)

1. The complainant has requested information about child sexual abuse investigations.
2. By the date of this notice, the Home Office has yet to provide a substantive response to this request.
3. The Commissioner's decision is that the Home Office has breached sections 1 (general right of access) and 10 (time for compliance) of the FOIA by failing to provide a valid response to the request within 20 working days of receipt.
4. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation:
 - provide the complainant with a response to her request which complies with the requirements section 1(1) of the FOIA, or issue a valid refusal notice.
5. 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

6. On 28 March 2017, the complainant wrote to the Home Office (HO) and requested information in the following terms:

"Please provide the previously manually compiled non-comprehensive list of police child sexual abuse investigations that is no longer current with date of compilation."

7. The HO acknowledged receipt of the request but did not respond substantively to it.
8. The complainant contacted the HO on 10 May, 15 July, 28 July, 13 August and 20 October 2017 asking for a response, but the HO did not provide one.

Scope of the case

9. The complainant contacted the Commissioner on 13 November 2017 to complain about the non-response of the HO to her request.
10. The Commissioner contacted the HO about the complaint and it confirmed that a response had not been sent out.

Reasons for decision

Section 1 - general right of access

11. 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 – time for compliance

12. Section 10(1) of the FOIA provides that 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. From the information provided to the Commissioner it is evident that the HO has not responded to the complainant's request within the statutory timeframe.
13. The Commissioner's decision is that the HO did not deal with the request for information in accordance with the FOIA. She considers that by failing to respond to the request within 20 working days, the HO has breached sections 1(1) and 10(1).
14. The HO is required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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

16. 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.
17. 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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF