

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

### **Decision notice**

**Date:** 12 November 2018

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

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

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1. The complainant has requested minutes from meetings of the Misc 13 Ministerial Committee and Home Office Delivery Group, relating to animal rights.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Home Office to take the following step to ensure compliance with the legislation.
  - The Home Office must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The Home Office must take this step 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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5. On 6 September 2018, the complainant wrote to the Home Office and requested information in the following terms:  
  
*"Please provide  
  
Minutes of "MISC 13 MINISTERIAL COMMITTEE" and "HOME OFFICE DELIVERY GROUP" related to "ARE" "Animal Rights Extremism" "Animal Rights Activists" "Animal Rights Activism" "Domestic Extremists""Domestic Extremism""National Forum on Policing and Prosecution of Animal Rights Activists" from 2003-present."*
6. The Home Office acknowledged receipt of the request on 7 September 2018.
7. On 5 October 2018, as a response had not been provided, the complainant wrote to the Home Office to request a response.
8. The Home Office wrote to the complainant on 9 October 2018 to apologise and explain that there had been an unforeseen delay in accessing files that may relate to the request.
9. On 10 October 2018, the complainant wrote to the Home Office again to request an internal review of its handling of the request, specifically regarding the ongoing delay.
10. The Home Office issued its internal review response on 15 October 2018, it apologised again for the delay but was unable to confirm a timescale as to when it expected to issue its response. To date a substantive response has not been provided.

## **Scope of the case**

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11. The complainant contacted the Commissioner on 12 October 2018 to complain about the Home Office's failure to respond to his information request.
12. On 19 October 2018 the Commissioner wrote to the Home Office, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
13. Despite this intervention the Home Office has failed to respond to the complainant.

## Reasons for decision

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14. Section 1(1) of the FOIA states that

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

15. 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."*

16. From the evidence provided to the Commissioner in this case, it is clear that the Home Office did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Home Office has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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17. 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)

18. 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.
19. 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 .....**

**Deborah Clark**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**