

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 September 2020

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

Decision (including any steps ordered)

1. The complainant requested information about Use of Force forms.
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 timeframe of 20 working days.
3. The Commissioner requires the Home Office to take the following step to ensure compliance with the legislation:
 - 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

5. On 26 May 2020, the complainant wrote to the Home Office and requested information in the following terms:

"I would like to request by FOI the following information, focused on the monitoring and evaluation of use of force incidents:

1. The completed Use of Force Forms for use of force incidents which took place during the two most recent charter flight removals that took place.

...

2. The completed Use of Force Forms for use of force incidents which took place at Harmondsworth IRC during the month of January and February 2020. I understand these may be redacted for personal information, as above".

6. The Home Office wrote to the complainant on 1 July 2020, explaining that its substantive response was delayed. It told her:

"I would like to apologise on behalf of the Department for this delay, but I can assure you that we are dealing with your request and we will send you a full reply as soon as possible".

7. To date, a substantive response to the request has not been issued.

Scope of the case

8. The complainant contacted the Commissioner on 21 July 2020 to complain about the Home Office's failure to provide a substantive response to their request.
9. The Commissioner wrote to the Home Office on 2 September 2020, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the Home Office has failed to respond to the complainant.
11. The analysis below considers whether the Home Office complied with section 10 of the FOIA.

Reasons for decision

12. 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.
13. 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.

14. From the evidence presented to the Commissioner in this case, she finds that the Home Office breached section 10(1) of the FOIA by failing to comply with section 1(1) of the FOIA within the statutory time period.

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@justice.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

Laura Tomkinson
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Water Lane
Wilmslow
Cheshire
SK9 5AF