

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 November 2020

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

#### Decision (including any steps ordered)

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1. The complainant requested information from the Home Office about trafficking victims. By the date of this notice the Home Office had not issued a substantive response to this request.
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 provide 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 3 June 2020, the complainant wrote to the Home Office and requested information in the following terms:

*"Please note that my request for the first responders attached to instances of detention amongst recognised trafficking victims (case ref 56594) is now delayed by 6 months. Rather than lodging this with the ICO, I would like to submit a fresh request for more timely data as the delay has rendered the original request out-of-date. I understand this will take 20 working days to provide.*

*Please disregard case ref 56594 and replace the request with the following for my records:*

*"Please provide the first responder in each instance of the detention of potential and recognised trafficking victims from January 1st 2016 - December 31st 2019. Please name the responder rather than type of responder (e.g. 'West Mids Police' rather than 'police').*

*Please provide the data disaggregated by year, first responder, and the last NRM decision (eg. positive Reasonable Grounds, positive Conclusive Grounds, withdrawn etc). Please note that the time limit stipulated should correspond with the period in detention rather than the period of NRM decision-making."*

6. The Home Office acknowledged the request on 3 June 2020. To date, a substantive response to the request has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 8 August 2020 to complain about the Home Office's failure to respond to their request.
8. The Commissioner has considered whether the Home Office has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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9. 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."*

10. 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*".
11. On 8 September 2020 the Commissioner wrote to the Home Office, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days. The Commissioner asked the Home Office to inform her if there were any specific reasons relating to the Covid-19 pandemic which would prevent it from providing a response to the request. The Home Office did not reply to the Commissioner's correspondence.
12. Despite this intervention the Home Office has failed to respond to the complainant.
13. 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.

## **Other matters**

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14. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA.

## Right of appeal

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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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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** .....

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**