

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **5 November 2021**

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

Decision (including any steps ordered)

1. The complainant requested information from the Home Office regarding the assessment of relaxing Section 60 of the Criminal Justice and Public Order Act Stop and Search Scheme. By the date of this notice the Home Office has 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

5. On 28 July 2021, the complainant wrote to the Home Office and requested information in the following terms:

"Dear Home Office,

I am writing to you under the Freedom of Information Act 2000 to request the following information from the Home Office. Please may you provide me with:

The methodology of the Home Office's evaluation/assessment of the pilot on relaxing the conditions of Section 60 of the Criminal Justice and Public Order Act in the Best Use of Stop and Search Scheme.

The quantitative data used as part of the above evaluation/assessment.

The qualitative data used as part of the above evaluation/assessment.

The analysis of the above qualitative and quantitative data that informed the decision to make the changes permanent.

The equality impact assessment for the decision to make the changes permanent.

We understand that this data exists as a Home Office spokesperson told the Independent newspaper yesterday: "An assessment of the pilot relaxing conditions on the use of section 60 stop and search showed it gave police officers greater confidence to make use of the power, better reflected the realities and uncertainties officers face on the ground around predicting serious violence, and acted as a deterrent."

An email we received yesterday from the Home Office also said: 'The Home Office explored police and community perceptions of the impact of the s60 relaxations along with quantitative data collection as part of this pilot. Our research found that officers felt more confident in using s60 during the pilot and the relaxations better reflected the operational reality of policing. A decision on publication of the assessment will be taken in due course.'

If it is not possible to provide the information requested due to the information exceeding the cost of compliance limits identified in Section 12, please provide advice and assistance, under the Section 16 obligations of the Act, as to how I can refine my request.

If you can identify any ways that my request could be refined, I would be grateful for any further advice and assistance.

If you have any queries please don't hesitate to contact me via email or phone and I will be very happy to clarify what I am asking for and discuss the request, my details are outlined below."

6. The Home Office acknowledged the request on 28 July 2021. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 28 September 2021 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

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 14 October 2021 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.
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.

Right of appeal

14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. 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

Michael Lea
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Water Lane
Wilmslow
Cheshire
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