

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 October 2022

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 about correspondence relating to the publication of the report into the murder of Daniel Morgan.
2. The Commissioner's decision is that, on the balance of probabilities, the Home Office does not hold information within the scope of the request.
3. The Commissioner requires no steps to be taken as a result of this decision.

Request and response

4. On 25 May 2021, the complainant wrote to the Home Office and requested information in the following terms:

"Dear FOI Officer,

Under the Freedom of Information Act 2000, I would like to request a copy of all correspondence – electronic and written – relating to the Home Office's decision to delay the publication of the report into the murder of Daniel Morgan – including any correspondence from the Home Secretary relating to the decision to ask for redactions and the right to edit."

5. The Home Office responded on 15 July 2021 and advised that it did not hold the requested information.
6. The complainant expressed dissatisfaction with that response on 21 July 2021.
7. Following an internal review, the Home Office wrote to the complainant on 7 September 2021 and upheld its original decision.

Scope of the case

8. The complainant contacted the Commissioner on 11 November 2021, to complain about the way their request for information had been handled.
9. The Commissioner has considered whether, on the balance of probabilities, the Home Office holds recorded information within scope of the request and whether it has complied with section 1(1) of FOIA.

Reasons for decision

Section 1 general right of access

10. Section 1 of 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”.

11. The Commissioner has sought to determine whether, on the balance of probabilities, the Home Office holds the requested information.
12. The Home Office has explained that it does not agree with the complainant’s assertion that it requested a delay in the publication of the Daniel Morgan report. It stated that it did not request a delay to the publication of the report in question nor ask for any redactions or edits so therefore it does not hold the requested information.
13. On the balance of probabilities the Commissioner is satisfied that the requested information is not held by the Home Office, as he has not

been provided with any evidence that the Home Office would hold further information.

14. The Commissioner is satisfied that the Council has complied with its obligations under section 1(1)(a) FOIA in this case. He is therefore satisfied that the Home Office has complied with the requirements of section 1 of 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: 0203 936 8963

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

Michael Lea
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Water Lane
Wilmslow
Cheshire
SK9 5AF