

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2022

Public Authority: HM Passport Office, part of the Home Office
Address: 2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information from HM Passport Office (part of the Home Office) in relation to the Director General of the HM Passport Office.
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. Although the request was received by the Home Office, it appears that it was not recognised as an information request and was therefore not logged as such by the Home Office.
4. The Home Office has now logged the request and a response has been issued. As such the Commissioner does not require the Home Office to take any further steps.

Request and response

5. On 10 December 2021, the complainant wrote to the Home Office via an email to HM Passport Office and requested information in the following terms:

"I am also requesting a Freedom of Information Request from HMPO into the Director Generals office address, Taxpayer funding, recent public engagements and what the job entails"

6. The Home Office did reply to the correspondence in which the request was contained, but it did not acknowledge the request itself.

Scope of the case

7. The complainant contacted the Commissioner on 11 January 2022 to complain about the Home Office's failure to respond to their request.
8. Following the Commissioner's intervention, the Home Office provided the complainant with a response to the request. However, the complainant requested that the Commissioner issue a decision notice on this matter.
9. The Commissioner has therefore 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

10. 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."

11. 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".
12. On 25 January 2022 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.
13. On the same day, the Home Office wrote to the Commissioner informing him that they did not have a record of the request for information.

14. On 28 January 2022, the Commissioner wrote to the Home Office with the original request for information and advised that the 10 working days to respond to the complainant had been reset from this date.
15. On 9 February 2022, the complainant called the ICO to discuss a more formal approach regarding the Home Office's breach of timeliness and therefore requested a decision notice.
16. On the same day, the Home Office provided a response to the complainant's information request.
17. This decision notice deals purely with the timeliness of the response to the request submitted to the Home Office on 10 December 2021.
18. From the evidence provided in this case, the Commissioner finds that the Home Office did not deal with the request for information in accordance with FOIA. He therefore finds that the Home Office has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

19. 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

20. 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.
21. 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

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