

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 July 2023

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

Decision (including any steps ordered)

1. The complainant requested information relating to Emergency Travel Document ('ETD') applications for Somalia between 2019 and 2021. The Home Office refused to disclose the requested information, citing sections 27(1)(a) (International relations) and 31(1)(e) (Law enforcement) of FOIA.
2. The Commissioner's decision is that the Home Office is entitled to rely on section 27(1)(a) and that the balance of the public interest favours maintaining the exemption.
3. The Commissioner requires no steps to be taken as a result of this decision.

Background

4. In a similar case¹, the Commissioner found that the Home Office was entitled to rely on section 27(1)(a) of FOIA to refuse to comply with the request.
5. That decision was appealed by the complainant (First-tier Tribunal reference EA/2022/0192) and was subsequently dealt with by way of a Consent Order, which resulted in the disclosure of some information.
6. There is a further, similar request for information in respect of Eritrea, which is being investigated at the same time as this request. That request is being considered under reference IC-208115-F4Z1.

Request and response

7. On 21 September 2022, the complainant wrote to the Home Office and requested the following information:

“We request the following information under the FOIA, in relation to Emergency Travel Documents from Somalia.

1. How many Emergency Travel Document ('ETD') requests for Somalia were submitted in:

- (a) 2019
- (b) 2020
- (c) 2021 (to date).

2. How many ETDs for Somalia were issued in:

- (a) 2019
- (b) 2020
- (c) 2021 (to date)

3. How many Foreign National Offenders from Somalia were granted ETDs in:

- (a) 2019
- (b) 2020
- (c) 2021 (to date)

¹ <https://ico.org.uk/media/action-weve-taken/decision-notices/2022/4025223/ic-155297-g9b7.pdf>

4. How many of the people referred to in (3) were subsequently removed?
5. How long on average did it take from the date of application for the document to be issued, for applications made in:
 - (a) 2019
 - (b) 2020
 - (c) 2021 (to date)
6. Please confirm if and when removals from the UK to Somalia have been suspended in
 - (a) 2019
 - (b) 2020
 - (c) 2021
 - (d) 2022 (to date)".
8. On 17 November 2022, the Home Office responded. It refused to provide the requested information, citing section 27(1)(a) (International relations) and section 31(1)(e) (Law enforcement) of FOIA.
9. On 18 November 2022, the complainant requested an internal review.
10. On 19 December 2022, the Home Office provided an internal review. It maintained its position.

Scope of the case

11. On 3 March 2023, the complainant wrote to the Commissioner to complain about the response. He did not accept that the Home Office had given sufficient weight to the public interest in disclosure and he asked the Commissioner to consider the application of exemptions to the request.
12. On commencing his investigation, the Commissioner raised a query with the complainant regarding the appeal referred to in paragraph 5 above, seeking further information.
13. On 27 April 2023, the complainant provided the Commissioner with a copy of the information that had been disclosed by the Home Office as a result of that Consent Order. Referring to this, the Commissioner invited the Home Office to reconsider its position in this case.
14. Having received no acknowledgement or response, on 5 June 2023 the Commissioner again contacted the Home Office. The Home Office confirmed that its preference was for the matter to be dealt with by way of a full investigation, and the Commissioner sent a formal investigation letter on 8 June 2023.

15. On 26 June 2023, having received no formal response to that letter, the Commissioner issued an Information Notice; the Home Office responded on 5 July 2023, maintaining the position it had previously outlined to the complainant. Some of its submission was provided in confidence, and has not been reproduced in this notice.
16. The Commissioner will consider the citing of exemptions below. He has viewed the withheld information.

Reasons for decision

17. The detailed grounds of complaint provided by the complainant in this case are very similar to those which he submitted in respect of case IC-208115-F4Z1. Likewise, the arguments made by the Home Office are also very similar to its submission in respect of case IC-208115-F4Z1.
18. The Commissioner considers that the arguments relied on in that case are also all relevant to this case too. For brevity, he has not repeated them here; they can be viewed in the decision notice issued under reference IC-208115-F4Z1.
19. Based on the same rationale as relied on in case IC-208115-F4Z1, the Commissioner concludes that the requested information is exempt from disclosure by virtue of section 27(1)(a) of FOIA.

Other matters

20. Although they do not form part of this notice the Commissioner wishes to highlight the following matter of concern.

Engagement

21. The Commissioner has made a record of the Home Office's poor engagement with his initial enquiries and the resulting delay in this case. This may form evidence in future enforcement action should evidence from other cases suggest that there are systemic issues within the Home Office that are causing such delays.

Information Notice

22. As the Home Office failed to respond to the Commissioner's enquiries in a timely manner it was necessary for him to issue an Information Notice in this case, formally requiring a response. The Information Notice will be published on the Commissioner's website.

Right of appeal

23. 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

24. 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.
25. 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

**Carolyn Howes
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Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF**