

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 October 2023

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

Decision

1. The complainant has requested information from the Home Office relating to recorded details on birth certificates. The Home Office responded stating that it did not hold the requested information. The Commissioner's decision is that, on the balance of probabilities, the Home Office does not hold the requested information.
2. The Commissioner requires no steps to be taken.

Request and response

3. The complainant made the following information request to the Home Office on 29 June 2023:

"Please provide any/all documentation held by the Passport Office confirming the 'Birth Certificated Person' is actually the feto-maternal organ commonly known as the placenta and not the baby as we have been misdirected to accept. As previously stated, [name and details redacted] has confirmed verbally (recorded) and we need documentary proof from yourselves."
4. The Home Office responded on 11 July 2023 stating the following:-

"The General Register Office (GRO), part of HM Passport Office can confirm that they do not hold the information requested."

5. The complainant requested an internal review on 17 July 2023 and the Home Office provided its internal review response on 17 August 2023. That response stated as follows:-

"The General Register Office (GRO) has responsibility for the registration of births in line with the Births and Deaths Registration Act 1953 and associated regulations. The Act requires the registration of all live and still births. The Registrar is only responsible for matters relating to civil registration in England and Wales. The information you requested is not held by the Home Office. The placenta or any details about it are not included in the legislative details required as part of the birth registration. In conclusion, I am satisfied that the original response to your initial FOI request was correct. The information you requested is not held."

Scope of the case

6. The complainant wrote to the Commissioner on 17 August 2023 to complain about the way in which the Home Office had handled their request.
7. The Commissioner has considered the Home Office's handling of the complainant's request and whether, on the balance of probabilities, the Home Office holds information within the scope of the request.

Reasons for decision

8. This reasoning covers whether the Home Office is correct when it says that it does not hold the information the complainant requested.
9. The Commissioner understands that the request in this case is asking for documentary evidence in relation to whether the details recorded on birth certificates are those of the placenta rather than the baby.
10. The Commissioner has considered the Births and Deaths Registration Act 1953 and its associated regulations.
11. Section 1(1) of the Births and Deaths Registration Act 1953 provides as follows:-

"Subject to the provisions of this part of the Act, the birth of every child born in England and Wales shall be registered by the registrar of births and deaths for the sub-district in which the child was born by entering in a register kept for that sub-district such particulars concerning the birth as may be prescribed; and different registers shall be kept and different

particulars may be prescribed for live-births and still-births respectively.”

12. In this case there is no legislative requirement for the Home Office to hold information within the scope of the complainant’s request. The Commissioner is therefore satisfied that, on the balance of probabilities, the Home Office does not hold the requested information.

Right of appeal

13. 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

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

14. 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.
15. 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

Deirdre Collins
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Wycliffe House
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