

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 January 2024

Public Authority: Secretary of State for the Home Department
Address: Peel Building
2 Marsham Street
London
SW1P 4DF

Decision (including any steps ordered)

1. The complainant requested information from the Home Office.
2. The Commissioner's decision is that the public authority failed to complete its deliberations on the balance of the public interest within a reasonable time and has therefore breached section 17(3) of FOIA. No steps are required.

Request and response

3. On 21 September 2023, the complainant made the following request for information:

"Yesterday the Home Office published a news story about encryption and child safety, in which it was said that "the Home Secretary outlined her concerns to Meta in a letter co-signed by technology experts, law enforcement, survivors and leading child safety charities in July 2023."

Home Secretary urges Meta to protect children from sexual abuse

<https://www.gov.uk/government/news/home-secretary-urges-meta-to-protect-children-from-sexual-abuse>

Please provide the following information: a copy of (or the full contents of) the letter that the Home Secretary sent to Meta in July 2023, including any attachments sent with the letter and including

the names and affiliations of the technology experts and others who co-signed the letter.”

4. On 19 October 2023, the public authority wrote to the complainant to explain that it held information relevant to the complainant’s request, but that it would need to extend the time taken to complete its public interest test considerations under section 35 of FOIA.
5. On 9 January 2024, the public authority responded to the request for information.

Reasons for decision

6. Section 1(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.”

7. Section 10(1) of 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”.
8. Section 17(3) of FOIA states that where a public authority is relying on a qualified exemption, it can have a “reasonable” extension of time to consider the public interest in maintaining the exemption or disclosing the information.
9. FOIA does not define how long a reasonable time is. The section 45 Code of Practice on request handling states that “it is best practice for an extension to be for no more than a further 20 working days”.¹ This means that the total time spent responding to a request should not exceed 40 working days unless there are exceptional circumstances.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

10. In this case, the total time taken by the public authority exceeded 40 working days. The Commissioner does not consider there to have been any exceptional circumstances and finds that, by failing to complete its deliberations on the public interest within a reasonable time frame, the public authority did not comply with section 17(3).

Right of appeal

11. 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

12. 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.
13. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF