

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 10 October 2005

Name of Public Authority: Home Office

**Address of Public Authority: 2 Marsham Street
London
SW1P 4DF**

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 22 February 2005 the following information was requested from the Home Office under section 1 of the Freedom of Information Act 2000 (the "Act"):

Information on payments, which include accommodation, together with copies of invoices relating to a large bill that was settled by Chelmsford Prison at the County Hotel, Chelmsford between the period of September 2003 and March 2004.

It is alleged that:

The Home Office has provided neither the information nor copies of invoices in response to the request.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The Home Office had provided information on two bills prior to the above request. On 6 April 2005, it responded to the above request confirming that it held no further information than that already supplied. The Commissioner sought further clarification of the information already provided to the complainant and queried why copies of any invoices had not been provided. The Home Office subsequently provided copies of the invoices to the complainant on 13 September 2005. The Commissioner is also satisfied that the Home Office has now provided all the information it holds in response to the request.

Reference: FS50069251

In providing copies of the invoices to the complainant, the Home Office has complied with section 11(1) of the Act.

Section 11(1) of the Act states:

“Where, on making his request for information, the applicant expresses a preference for communication by any one or more of the following means, namely-

(a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,

(b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and

(c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant,

the public authority shall so far as practicable give effect to that preference.”

However, in failing to provide a written response to the request within the statutory time limit, the Home Office has not complied with section 10(1) of the Act.

Section 10(1) of the Act states:

“... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

Section 1(1) of the Act states:

“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.”

Action Required

In view of the matters referred to above the Commissioner requires no further action to be taken by the Home Office.

Reference: FS50069251

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 10th day of October 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF