

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 28 February 2012

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

#### Decision (including any steps ordered)

---

1. The complainant requested information recording contact between the Home Office and Northumbria Police concerning an attempted murder. No response was provided to this request and the Home Office stated that it had no record of having received it.
2. The Commissioner's decision is that, on the balance of probabilities, the Home Office did receive this information request and it has breached sections 1 and 10 of the FOIA by failing to respond to it.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide to the complainant a response to her information request. This response should confirm or deny whether any information is held that falls within the scope of this request. For any information that is held, this should either be disclosed or the complainant should be provided with valid reasoning for why it will not be disclosed.
4. The Home Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

---

5. On 8 July 2011, the complainant wrote to the Home Office via *whatdotheyknow.com* and requested information in the following terms:

*"I am requesting via the Freedom of Information Act access to the entirety of the information and documents relating to all contact between Northumbria Police and the Home Office relating to the attempted murder of [name redacted] on 17th June 1999."*

6. The complainant contacted the Home Office again on 17 September 2011, 28 October 2011 and 5 November 2011 to chase up a response to this request. By the date of this decision notice the complainant had yet to receive a response to this request.

## Scope of the case

---

7. The complainant contacted the Information Commissioner on 5 November 2011 to complain about the failure of the Home Office to respond to her request for information.
8. The request above is for information that would form a sub-set of the information falling within the scope of a wider request that the complainant made to the Home Office on the same date. Given this the complainant was contacted and asked to confirm whether she wished to pursue this request as a separate issue, or whether she wished to pursue access to the information via her broader request (the Home Office had already responded to this and the complainant had made a complaint to the Information Commissioner's Office). In response to this the complainant confirmed that she did wish to pursue this case.
9. Following receipt of this complaint, the Home Office was contacted by the Information Commissioner's Office and asked to respond to the complainant's information request within 10 working days. The Home Office responded to this by stating that it had no record of having received the request.

## Reasons for decision

---

10. Section 1 and section 10 of the FOIA require a public authority to respond to an information request within 20 working days of receipt confirming or denying if the requested information is held. In relation to

any information that is held, this should either be disclosed, or the complainant should be provided with a response that gives a valid explanation under the FOIA for why this information will not be disclosed.

11. As noted above the Home Office has stated that it has no record of having received the information request in question in this case. However, the Information Commissioner notes that in addition to the initial request, the complainant has contacted the Home Office to chase a response to this a further three times.
12. As the request was made via the website *whatdotheyknow.com*, the Commissioner has been provided with no record of the email address to which this request was sent. However, the Commissioner assumes that a request made via this website would be directed to the same email address as many other requests made via this website that have been received by the Home Office.
13. Given that the complainant has attempted to contact the Home Office four times in relation to this request, the Information Commissioner believes that on the balance of probabilities it is most likely that the Home Office did receive this information request. In failing to respond to this request, the Home Office has, therefore, breached the requirements of sections 1 and 10 of the FOIA. At paragraph 3 above, the Home Office is required to respond to this request.

## Right of appeal

---

14. 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: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

15. 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.
16. 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** .....

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