

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 August 2016

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

Decision (including any steps ordered)

1. The complainant requested information relating to people who were refused UK citizenship in 2013, 2014 and 2015. The Home Office failed to respond to the request and, in doing so, breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
3. 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 Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

4. On 29 April 2016, the complainant wrote to the Home Office and requested information in the following terms:

"1) I would be grateful if you would tell me how many people refused citizenship for being 'not of good character' were suspected of involvement in war crimes, crimes against humanity, genocide or torture in 2013, 2014 and 2015.

2) In relation to question 1), please provide a breakdown of the nationalities.

3) In relation to question 1), how many cases were referred to the Met Police for investigation?

4) How many people of those identified in question 1) remain in the UK? (Alternatively, how many have been removed from the UK)“.

5. The Home Office failed to respond substantively to this request.

Scope of the case

6. The complainant contacted the Commissioner on 2 June 2016 to complain about the refusal of his information request.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the 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. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond substantively to the request within 20 working days. The Home Office is now required to respond to the complainant’s request in accordance with the FOIA.

Other matters

9. As well as issuing this notice, the Commissioner has made a separate record of the failure by the Home Office to respond to the complainant’s request. This issue may be revisited should evidence from other cases suggest that this is necessary.

Right of appeal

10. 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@hmcts.gsi.gov.uk

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

11. 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.
12. 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

Ben Tomes
Senior Case Officer
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Wilmslow
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SK9 5AF