

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 September 2017

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

Decision (including any steps ordered)

1. The complainant has requested information from the Home Office regarding statistics/intelligence in relation to concerns raised for children and adults at risk across airports in London.
2. The Commissioner's decision is that the Home Office has breached section 10(3) of the FOIA as it has failed to give a substantive response to this request within a reasonable timeframe.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Home Office must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 3 August 2016, the complainant wrote to the Home Office and requested information in the following terms:

"I was wondering if you could share with me some statistics/intelligence in relation to concerns raised for children (anyone under 18) and Adults at risk (or vulnerable adults) across airports in the London region including; London Luton Airport.

I am happy to make the request under the FOI process and if this is the case; then please signpost me as to where to send my request to.

If the request might be too arduous a task to answer for across the region, then please focus specifically on Luton Airport to begin with; as I am eager to report accurately on the picture as it stands at the moment. Whilst we have our own data, I am mindful that the Home Office is likely to hold the most up to date and comprehensive picture of safeguarding issues at ports in the country."

6. The Home Office sought clarification on 17 August 2016. The complainant responded on the same day and provided the following clarification:

"The number of reports/referral/incident logs/suspected cases of:

- *Trafficked Children & Adults*
- *Forced Marriages/HBV*
- *Female Genital Mutilation*
- *Servitude/Slavery*
- *Exploitation, (Sexual or otherwise of Children and Adults)*
- *Unaccompanied minors (under 18's)"*

7. The date of the request is now 17 August 2016.
8. The Home Office acknowledged the request on 15 September 2016 and stated that the information request was being considered under the exemption at 31(1) of the FOIA – prejudice to law enforcement – and that the request was subject to the public interest test.
9. Despite the complainant chasing this request a number of times no substantive response has been issued.

Scope of the case

10. The complainant contacted the Commissioner on 3 July 2017 to complain about the way her request for information had been handled.
11. Following receipt of the complaint the Commissioner contacted the Home Office, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.

12. Despite this intervention the Home Office has failed to respond to the complainant.

Reasons for decision

13. Section 10(1) of FOIA states that an authority must comply with section 1(1) of the FOIA "...promptly and in any event not later than the twentieth working day following the date of receipt." However, section 10(3) enables an authority to extend the 20 working day limit up to a 'reasonable' time in any case where the public interest test attached to the application of a qualified exemption is being considered.
14. The FOIA does not define what constitutes a 'reasonable' extension of time. It is the view of the Commissioner however that an authority should normally take no more than additional 20 working days to consider the public interest, meaning that the total time spent dealing with the request should not exceed 40 working days.
15. The Commissioner has found that the time taken to produce a substantive response to the request considerably exceeds the 40 working days and is therefore not reasonable. She has therefore decided that the Home Office has breached section 10(3) of the FOIA.

Right of appeal

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

17. 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.
18. 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

Alun Johnson
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