

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 January 2018

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

#### **Decision (including any steps ordered)**

---

1. The complainant has requested information from the Home Office regarding the number of people in certain categories that were detained at border points of entry in the years 2015/15 and 2015/16.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - The Home Office must issue a 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 13 June 2017, the complainant wrote to the Home Office and requested information in the following terms:

*"In a response to a Parliamentary Written Answer [Ref: 208119 – 22nd October 2014] you provided a series of answers stating the (i) number of people issued with an IS81, (ii) the number of people who absconded, (iii) the number of absconders who were subsequently recovered and (iv) the number of people issued an IS81 who were granted temporary admission. Could you now supply me with comparable figures calculated on the same basis as the Parliamentary Answer but this time for the 2014/15 and 2015/16 financial years? If you have data for the 2016/17 financial year then could you also provide me with that, but if it is not available please disregard this part of the question."*

6. The Home Office responded on 19 July 2017. It stated that it was unable to send a response within 20 working days because of ongoing enquiries into the statistics. The Home Office apologised for the delay.
7. On the 18 August 2017 the complainant chased a response from the Home Office but as the date of this decision notice no response has been received.

### **Scope of the case**

---

8. The complainant contacted the Commissioner on 20 October 2017 to complain about the way his request for information had been handled.
9. 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.
10. Despite this intervention the Home Office has failed to respond to the complainant.

### **Reasons for decision**

---

11. Section 10(1) of FOIA states that:

*"Subject to subsections (2) and (3), 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."*

12. As a response has not yet been provided by the Home Office the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

## Right of appeal

---

13. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

14. 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.
15. 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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**