

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 29 September 2020

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

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to communications between the Parliamentary Health Service Ombudsman (PHSO) and Visa Facilitation Service Global (VFS Global) request to not disclose information.
2. The Commissioner's decision is that the Home Office has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
  - Respond to the complainant's request in accordance with the FOIA.
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 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

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5. On 26 May 2020, the complainant wrote to the Home Office and requested information in the following terms:

*"Please provide any documents that explain why, having resolved the issues that VFS Global raised in June, the Home Office informed the PHSO that they would not release material because VFS Global asked them not to, in November 2019. The documents to answer this would include the communications sent to the PHSO in October and November 2019, and any drafts of these communications, as well as any internal discussions in writing, or on the phone, about what information should be put into or left out of these communications, or drafts, to the PHSO and what explanations should be offered to the PHSO in October and November 2019 and why."*

6. The Home Office acknowledged the request on 23 June 2020 stating that it was unable to send a full response within 20 working days and it is dealing with the request.
7. To date, a substantive response had not been issued.

## Scope of the case

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8. The complainant contacted the Commissioner on 29 June 2020 to complain about the way his request for information had been handled.
9. The Commissioner wrote to the Home Office on 24 August 2020 reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 20 working days.
10. The Commissioner also contacted the complainant on 24 August 2020 to explain that the Home Office had been given 20 working days from that date within which to provide a response to the request.
11. Although the Commissioner has written to the Home Office asking it to respond within 20 working days, the complainant has asked the Commissioner to issue a decision notice in regards to the delay.
12. The scope of this notice is to consider whether the Home Office has complied with section 10(1) of the FOIA.

## Reasons for decision

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13. 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.
14. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event no later than the twentieth working day following the date of receipt.
15. On the evidence presented to the Commissioner in this case, she finds that the Home Office breached section 10(1) of the FOIA by failing to comply with section 1(1) of the FOIA within the statutory time period.

## Right of appeal

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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@justice.gov.uk](mailto:grc@justice.gov.uk)

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

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