

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 June 2024

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

Decision (including any steps ordered)

1. The complainant has requested certain information from the incident database, held by the Home Office. The Home Office provided some information but initially withheld the remainder, citing sections 38(1) (Health and safety) and 40(2) (Personal information) of FOIA. During the Commissioner's investigation, the Home Office disclosed the remaining information, in line with the complainant's request. The complainant disputed the extent of what was requested and asked for further information.
2. The Commissioner's decision is that the Home Office has complied with the request. He does not require further steps.

Request and response

3. On 24 August 2023, the complainant wrote to the Home Office and requested the following information:

"Please could you provide me with all deaths listed on the incident database from 27/04/2023 to today (24/08/2023)? To be clear, I want all entries as they appear in the database, and I attach an example of what that has previously looked like. Please can you make sure all deaths are there, including "explained"/"non-HPN" [High Profile Notification] deaths?"

4. On 18 October 2023, the Home Office responded. It provided some information, but advised that the remainder was exempt from disclosure, citing sections 38(1) and 40(2) of FOIA.
5. The complainant requested an internal review on 19 October 2023. He provided some arguments and also stated:

“I would like to request an internal review of the redaction/omission of the following information...

- Nationality
- HPN
- Date of Birth

You've provided these details in previous disclosures of this spreadsheet in response to earlier requests eg [reference redacted]”.

6. The Home Office provided an internal review on 9 February 2024 in which it revised its position. It disclosed the HPN numbers, but refused to provide the nationalities or dates of birth.

Scope of the case

7. The complainant contacted the Commissioner on 20 February 2024 to complain about the way his request for information had been handled. He said:

“In 18 October 2023, the Home Office disclosed the latest version of this request. However, it redacted three types of information in response to earlier versions of this request: the nationality and date of birth of the deceased as well as a reference number known as a “HPN ref” numbers.

I requested an internal review of these redactions, which was partially successful and lead to the Home Office providing the HPN ref numbers, but continuing to withhold the nationalities and dates of birth”.

8. During his investigation, the Commissioner liaised with both parties. On 22 May 2024, the Home Office provided the previously withheld nationalities and dates of birth.
9. The Commissioner contacted the complainant to enquire as to whether the case could now be closed. The complainant responded saying:

"I am afraid I'm still dissatisfied [sic] with the extent of the Home Office's redactions of this disclosure and believe that this case would benefit from the IC issuing a DN [Decision Notice].

While Nationalities and DOBs have now been provided, I believe the Home Office should also disclose the names of the deceased contained in the database - which were also covered under the scope of my original request".

10. The Commissioner will consider the wording and interpretation of the request, and the Home Office's response, below.

Reasons for decision

Section 8 – Request for information

18. Section 8(1) of FOIA deals with the validity of requests for information and states:

"any reference to "a request for information" is a reference to such a request which-

- (a) is in writing,
- (b) states the name of the applicant and an address for correspondence, and
- (c) describes the information requested".

11. If a request does not comply with all of the requirements of section 8(1)(a) - (c), then it is invalid. This means there is no obligation for a public authority to confirm or deny whether the information is held under section 1(1), or to issue a formal refusal notice under section 17.
12. The request in this case was made in writing and a name and address was given. The Commissioner is therefore only considering the extent of the information described in the request, ie whether the Home Office was obliged to disclose the names of the individuals within the spreadsheet (where these are recorded), in addition to the information which was provided.
13. The complainant's original request had a spreadsheet attached and he included the statement: "I attach an example of what that has previously looked like", ie it can be assumed that he wanted the same information as previously disclosed but with newer date parameters. That spreadsheet did not include names.
14. When asking for an internal review, the complainant referred only to the Home Office: "continuing to withhold the nationalities and dates of birth". Again, there is no reference to names.

15. Furthermore, in correspondence with the Commissioner it was clear that the only information being queried was the provision of nationality or date of birth. It was only **after** disclosure of these elements that the complainant sought to introduce the subject of names.
16. Based on the details above, the Commissioner does not consider that the information described in the request includes the names of the deceased. Therefore, he finds that the request was interpreted appropriately by the Home Office and no steps are required.

Other matters

17. Although they do not form part of this notice the Commissioner wishes to highlight the following matter.
18. Whilst not raised as a concern by the complainant, the Commissioner notes the delays when responding to this request. These delays will be recorded for monitoring purposes.

Right of appeal

19. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

20. 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.
21. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF