

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 May 2024

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

Decision (including any steps ordered)

1. The complainant requested information from the Home Office (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step within 30 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 FOIA and may be dealt with as a contempt of court.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 25 January 2024, the complainant wrote to the public authority and requested information in the following terms:

“We wish to understand how Albanian unaccompanied asylum-seeking children and victims of trafficking are affected by policies relating to Albanian asylum-seekers and whether planning could result in children being potentially exploited or returned to face danger...

We would like to request (for the same time period as mentioned above) details of all internal, unpublished guidance, instructions or policies held by yourself which directly relate to or are targeted at or which make specific reference to (whether or not the document is directed toward or the reference thereto is made in passing) Albanian asylum seekers and/or Albanian potential victims of trafficking (ie individuals who are or could reasonably be referred into the National Referral Mechanism).

This might include policies, instructions or plans relating to asylum or NRM decision-making and related processes, the timing thereof, the granting of leave, the withdrawal of asylum claims, or decision-making regarding challenging positive appeal decisions, as examples - but not limited to the aforementioned.

Where it is not possible to provide a document in full please provide a redacted version; where it is not possible to provide one or more documents based on for example consideration of the public interest, please provide all other documents which you are able to disclose.”

Reasons for decision

6. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

7. Section 10(1) of 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. On 17 April 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

11. 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

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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