



Home Office

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Mr Derek Canning LLB (Hons)
request-11778-0e3f5837@whatdotheyknow.com

Our Ref: 11946
Date: 20 August 2009

Dear Mr Canning,

I am writing further to my letter of 14 July 2009, regarding your request for an internal review.

I have now completed a full review of the handling of your request and of the reasons behind the decisions taken by the Home Office. This request has been treated on its own merits and all papers originally considered have been re-considered as part of the internal review.

The first part of my review concerned the procedural aspects of the handling of your case. Your request was received by the Department on 11 May 2009. Section 10(1) of the Freedom of Information Act states:

'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.'

A final response was sent to you by the caseworker on 10 July 2009, a full 43 working days following receipt of your request. The twenty working day deadline is extendable by virtue of section 10(3) of the Act; however the caseworker is required to inform the applicant of the qualified exemption under consideration, within the original deadline, and provide a 'reasonable' response date.

A letter explaining that there would be a delay was sent to you on 4 June 2009. Due to a technical fault this was bounced back to the caseworker and was subsequently re-sent to you on 6 June 2009. While the letter did provide an expected response date it did not refer to any exemption being under consideration. As such the failure to respond to your request within twenty working days represents a breach of section 10(1) of the Act. I apologise on behalf of the Home Office for this breach. The Home Office takes its responsibilities under the Act seriously. We will remind the relevant caseworkers of their responsibility to deal with all requests on time and, where possible, within the 20 working day limit specified in the Act, notwithstanding any Public Interest Test (PIT) extensions that may be required.

In the second part of my review I looked at the substantive content of the response provided to you, and whether this was in compliance with the requirements of the Act.

In the first part of your request you asked for guidelines relating to how correspondence from members of the public is handled. In response you were provided with a link (<http://www.homeoffice.gov.uk/contact-us>) to the Home Office website. The link provided directs the user to a page describing how the Home Office handles such correspondence, namely that we aim to respond within twenty working days. It also provides some guidance as to how such a request could be submitted. I am satisfied that the content of this webpage provides sufficient detail to answer this part of your request, and is therefore compliant with the requirements of the Act.

Secondly, you asked for details regarding the complaints procedure. The main body of the response letter sent to you stated that the link also provides this information. A link to the complaints procedure can be found in the bottom left hand corner of the page.

Additionally, the caseworker informed you that should you wish to make a complaint about the handling of your correspondence you should make it in writing to the Head of the Direct Communications Unit, for whom an address was provided. In the response sent, the caseworker also provided an email address to which any complaints could also be directed. Unfortunately this appears to have disappeared from the letter upon it being published on the relevant 'whatdotheyknow.com' webpage. The email address concerned is public.enquiries@homeoffice.gsi.gov.uk. Again, I am satisfied that the suggestion that you direct any complaint you may have to the Head of the Direct Communications Unit provides sufficient detail to answer this part of your request, and is also compliant with the requirements of the Act.

In conclusion, I am therefore satisfied that the response (notwithstanding the delay in replying) can be considered to be compliant with the requirements of the Act.

Should you remain dissatisfied after this internal review you have the right of complaint to the Information Commissioner, as established by section 50 of the Freedom of Information Act. You can write to him at:

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Bragaglia', with a horizontal line above it.

John Bragaglia
Information Access Consultant