



Home Office

Information Access Team

Information Management Service

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Mr Stephen Doman
request-13394-
47ad2e9a@whatdotheyknow.com

Our Ref 12192
Your Ref
Date 18 December 2009

Dear Mr Doman

I am writing further to my earlier correspondence regarding your information request dated 16 June 2009.

In your request for information you asked the Home Office to list which U.K. Government or U.K. Government Agencies Databases, e.g. Driving Standards Agency database, are held under 'Safe Harbor' provisions in the U.S.A. Additionally you asked what access the U.S.A. Federal and State authorities have to these databases and how they may lawfully obtain access?

I would like to begin by apologising for the length of time it has taken to complete this response to your Freedom of Information request. This time was required to consider what information was held and whether any exemptions applied; and to compile an answer in response to your request. Whilst we do endeavour to respond to requests for information within 20 working days, unfortunately it was not possible in this case. In my earlier letters, I explained that we were considering the public interest test in relation to the exemption contained within section 31(1)(a) and 31(1)(e) of the FOI Act. After careful consideration we have decided that it is not necessary to rely on these provisions, and that we can answer your questions as far as we are able to.

The Home Office group comprises four constituent parts – Home Office Headquarters (HO HQ), the United Kingdom Border Agency (UKBA), the Identity and Passport Service (IPS) and the Criminal Records Bureau (CRB). We are only able to provide an answer in respect of Home Office Group databases. We do not hold information about Non Departmental Public Bodies or other organisations' databases. You would need to approach other Departments directly in relation to their own databases.

We have no record of any databases belonging to the Home Office or its agencies being held under 'Safe Harbor' provisions in the U.S.A. Although the



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Home Office and its agencies may share information with the U.S.A State or Federal authorities, when necessary for legitimate purposes, the U.S.A Federal and State authorities do not hold any Home Office databases under 'Safe Harbor' agreements.

Furthermore in answer to your question about how the U.S.A Federal and State authorities may lawfully obtain access to UK Government databases I can inform you that any request for access to information within a Home Office database would be considered on its own merits. Information would only be provided where strictly necessary, and where it can be shared in compliance with the Data Protection Act and other relevant legal obligations.

If you have any queries about this response please do not hesitate to contact me. Should you be dissatisfied with this response, details of our complaints process can be found in Annex A to this letter.

Yours sincerely

Martin Riddle
Information Access Caseworker

ANNEX A

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint within two months to the below address quoting reference 12192:

Information Access Team
Information Management Service
Home Office
Ground Floor, Seacole Building
2 Marsham Street
London
SW1P 4DF
Email: info.access@homeoffice.gsi.gov.uk

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.