

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Dr Geraint Bevan (reference 12316)

## **Responding Unit: Identity and Passport Service**

### **Chronology**

Original Fol request:	1 July 2009
Acknowledgement	6 July 2009
IPS response:	29 July 2009
Request for internal review:	29 July 2009

### **Subject of request and IPS response**

1. Dr Bevan asked for information about when any reports on the mylifemyID consultation will be (a) available within government, and (b) published.
2. The IPS response was that the information requested is exempt from disclosure under section 22(1) of the Fol Act (future publication). IPS said that it was their intention to publish the information that Dr Bevan had requested in the near future.
3. IPS also explained in their response that the objective of the Home Office mylifemyID website was to conduct research into young people's lives and how an identity card can help make their lives easier. By making it an open community, utilising web 2.0 technology, it offered an opportunity for people aged 16-25 to have their say about identity issues in the UK. The website closed on 15 October 2008 and since then IPS had undertaken a number of projects with young people. However as this work was still continuing, IPS had decided to wait and publish a full picture of the insights gained at the end of the process.

### **Procedural issues**

4. Dr Bevan's original request of 1 July, sent by e-mail, was acknowledged by IPS on 6 July. The IPS reply of 29 July was sent 20 working days after receipt of the request, within the limit imposed by section 10(1) of the Fol Act.

### **Dr Bevan's request for internal review**

5. Dr Bevan asked for an internal review of the IPS response in an e-mail of 29 July. Dr Bevan said that he understood that the report on mylifemyID would be published in the near future and that the Fol Act may provide an exemption from releasing the content of such a report. Dr Bevan pointed out, however, that his query related specifically to the timing of publication. He said that "The near future" is very vague and asked whether he should expect the document to be published for example within the next week, month or year.
6. In his request for an internal review Dr Bevan also said that given the imminent roll-out of ID cards to young people in the North West of England, it was surely a

matter of great public interest to know the findings of a tax-funded opinion-gathering and suggested that it was reasonable to expect some indication to be given of when the results will be available. He asked for details of the continuing work with young people that is delaying the publication of the report.

### **Consideration of the response**

7. The first point to note about Dr Bevan's original request is that he did not ask for a copy of any report. As he has pointed out, he simply asked for information about when any reports would be (a) available within Government and (b) published. This should arguably have been treated as general correspondence rather than a FoI request. In any event, the use of section 22(1) to withhold information, on the ground that a report would be published in due course, was inappropriate.
8. The IPS response to the request gave some helpful and relevant background information about the mylifemyID website. To that extent it complied with the duty to provide advice and assistance under section 16 of the FoI Act. It did not, however, provide the information which had been requested. References to "the near future" and "the end of the process" are not sufficiently specific to answer a request for information about when something will happen. If this was not known with any certainty, then it would have been preferable had the response said that the information requested (i.e. the date of publication) was not available.
9. I understand that IPS have always intended to publish the findings from its work with young people, once it is complete. I also understand that, although the preliminary research work was completed in 2009, further evaluation work has been undertaken (including with young people) in 2010. IPS have taken the view that publication prior to the completion of this work could have prejudiced the outcome of the evaluation. I understand that IPS are still looking to publish the findings from its work with young people, including the mylifemyID findings, in Spring 2010. Given that the outcome of the general election is not yet known, publication cannot be guaranteed or predicted with any certainty. We therefore cannot give Dr Bevan a definite publication date.
10. I also understand, in answer to Dr Bevan's question as to when the mylifemyID findings became available within government, that the findings were first provided to IPS in December 2008.

### **Conclusions**

11. The use of section 22(1) in the response of 29 July 2009 was inappropriate, given that the request was not for copies of any actual reports.
12. The response of 29 July 2009 was in breach of section 1(1) of the FoI Act in failing either to provide the information requested or to say explicitly that it was not held.
13. The information which Dr Bevan requested, to the extent that we hold it, is given in paragraphs 9 and 10 above.