



# Home Office

**Information Access Team  
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**Mr. Philip Main**

[request-16328-45919f3b@whatdotheyknow.com](mailto:request-16328-45919f3b@whatdotheyknow.com)

Case Ref: **CR 12608**

Date: **13<sup>th</sup> January 2010**

Dear Mr. Main,

I write further to my email of the 10<sup>th</sup> November 2009 concerning your request for an Internal Review into the handling and decision of your Freedom of Information Act request CR12608 - copies of any correspondence between the Home Office and 121Media/Phorm in 2005. I apologise for the delay in providing you with a response to this review.

In your email dated the 13<sup>th</sup> September 2009, you asked that this review provide confirmation whether or not the information you had requested was actually held by the Home Office. In your previous email to the case officer for this request, you also questioned why you had been provided with a link to information that you considered to be out-of-scope of your request.

I have concluded this review and have decided that the Home Office is in breach of s1(1)(a) of the Act – we did not confirm or deny whether the information you had requested for 2005 was actually held by the Department. I can confirm that the Home Office does not hold the information that you requested.

The link provided to you by my colleague was for related information that we had previously released under FoI concerning correspondence in 2007 and 2008. What my colleague omitted to explain was that the information we referred you to is the full extent of the correspondence that we hold between ourselves and Phorm / 121 Media for any period, and that this link was provided in an effort to be helpful rather than to answer your exact question.

In light of this, I have also decided that the provisions of s21(1) do not apply in this instance. The provisions of s21(1) were not engaged because the information you had requested was not held by the department. The Home Office does not hold copies of any correspondence between Phorm / 121 Media and ourselves dated in 2005. I am sorry if this has caused you any confusion.

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

*The Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF*

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Lister', written in a cursive style.

**Ian Lister  
Information Access Consultant  
Information Access Team**