

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Syed Faghurudeen (reference 13002)

Responding Unit: United Kingdom Border Agency

Chronology

Original Fol request:	02 October 2009
Acknowledgement:	12 October 2009
UKBA response:	23 October 2009
Further request:	24 October 2009
UKBA request for clarification:	04 November 2009
Reply from Mr Faghurudeen:	04 November 2009
Second UKBA response:	04 November 2009
Request for internal review:	08 November 2009

Subject of request

1. Mr Faghurudeen asked for information about the use of DNA Tests in support for applications for a British Overseas Citizen Passports.
2. The request in full was:
 - Most of the British posts overseas issue First passport after the documentary verification with interview. If insufficient documents are submitted but DNA tested to applicants. Is it necessary to produce the insufficient documents which is unavailable. Or what documents is sufficient to produce in the case of DNA tested to applicants.

The response by UKBA

3. The first response by UKBA was by e-mail on 15 October. The reply in full was:
 - You need to make your request to the FCO consular department and there is an address on the F&CO website.

4. The second response from UKBA was by e-mail on 04 November and can be found at **Annex A**. This followed Mr Faghurudeen's request to the UKBA's Nationality Group's e-mail enquiry account. This reply is an auto response which covers the majority of enquiries received on their e-mail account.

Mr Faghurudeen's request for an internal review

5. Mr Faghurudeen asked for an internal review of the UKBA response through the whatdotheyknow.com website on 08 November. He stated:
 - I am writing to request an internal review of UK Border Agency's handling of my FOI request 'DNA for First British passport'. A full history of my FOI request and all correspondence is available on the Internet at this address:

<http://www.whatdotheyknow.com/request/dn...>

Procedural issues

6. Mr Faghurudeen's original request of 02 October, sent by e-mail to the UKBA Freedom of Information Team, was formally acknowledged as a FOI request by e-mail on 12 October. The UKBA reply was sent on 23 October, 14 working days after the original request, and complied with the 20 working day limit imposed by section 10(1) of the FOI Act.

Consideration of the response

7. I have considered both responses from UKBA to Mr Faghurudeen.
8. The first response to Mr Faghurudeen's request for information simply advised him to contact the Foreign and Commonwealth Office (FCO). UKBA directed the requester to the FCO as he had prefaced his question with 'most of the British posts overseas issue First passport after documentary verification with interview'. The responder considered that Mr Faghurudeen was requesting information in relation to applications made outside the United Kingdom.
9. In the course of my review I have contacted the FCO to confirm they are the department responsible for guidance in relation to the issuing of BOC Passports, when the applicant is abroad. **The FCO have verified that their guidance on DNA is that testing should not be used as an alternative to providing information by other means.** DNA testing can prove a relationship but cannot prove legitimacy or verify that the person being tested is the same person as listed on a birth certificate.
10. DNA testing should be used if, after 'Authentication By Interview', the Passport officer at Post is not satisfied with the relationship as

claimed. The Ministry of Justice accredit various companies for DNA testing. These can be found at the following address:

<http://www.justice.gov.uk/news/announcement300708.htm>.

11. Only companies that are accredited should be used. As UKBA currently use Cellmark, if asked, posts may indicate that this is the company that UKBA use. However, we cannot stipulate that an individual company is used.
12. If there are reasons why the applicant wants to use a different company then Posts are supposed to contact the relevant desk officer in the Nationality and Consular Registration Section.
13. I am satisfied, given the information provided by the FCO in paragraphs 10 to 13 above, that the UKBA response of 23 October correctly advised Mr Faghurudeen to contact the FCO.
14. In relation to the second occasion when Mr Faghurudeen contacted the UKBA Nationality Enquiries section, with the same request for information. Nationality Enquiries did not fully understand what information was sought by the requester. A customer service advisor e-mailed the requester on 04 November with the following questions:
 - Can you please expand on your enquiry?
 - Is this an ongoing application for British Citizenship?
 - If positive can you provide a Home Office reference number?
15. The requester in his reply of 04 November did not expand on his request and simply stated 'I requested as a public and general to know the exact of DNA test'. As the requester provided no clarification of his enquiry he was sent an auto response by e-mail.
16. Under section 16 of the FoI Act a public authority, here UKBA, are under a duty to provide assistance and advice to a person who makes a request for information. I am satisfied that the UKBA e-mail of 04 November was a reasonable attempt to advise and assist Mr Faghurudeen.
17. Mr Faghurudeen is of the opinion that the second response from UKBA failed to provide the information requested. I am satisfied the reason that UKBA were unable to provide the information requested was that the phrasing of the question made it difficult to understand what was being asked for and the requester failed to provide any clarification, to assist the responder, in his e-mail of 04 November.

Advice and assistance

18. The UKBA Correspondence and Enquiry Team sought clarification from Mr Faghurudeen on 04 November, by e-mail. In this respect, UKBA complied with their duty to provide advice and assistance under section 16 of the Fol Act.

Conclusion

19. The first UKBA response of 23 October was provided to Mr Faghurudeen within the 20 working day limit imposed by section 10(1) of the Fol Act.

20. The second UKBA response of 04 November was provided within the 20 working day limit imposed by section 10(1) of the Fol Act.

21. The UKBA response of 23 October correctly advised Mr Faghurudeen to contact the FCO.

22. I confirm that the Home Office does not hold the requested information

23. The UKBA response of 04 November correctly provided an auto response to Mr Faghurudeen's request, as the responder was unsure what information was required, following a request for clarification.

Information Access Team
Home Office
24-Feb-10