



Home Office

Information Access Team

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Mr John Walker
request-22252-7d929c8d@whatdotheyknow.com

Date: 16 November 2009

Dear Mr Walker

Freedom of Information request (our ref. 13201)

Thank you for your e-mail of 30 October, in which you ask for information about Home Office compliance with the Data Protection and Freedom of Information Acts. Your request has been handled as a request for information under the Freedom of Information Act 2000.

The information which you requested, where it is held, is set out in the attached Annex. If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 13201. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

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

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

Yours sincerely

Adrian Brook

Information Access Team Annex

FoI request from Mr John Walker (13201)

1. http://www.ico.gov.uk/what_we_cover/data_protection/enforcement.aspx states:

"22 January 2009. The ICO has required the Home Office to sign a formal undertaking after a contractor employed by the Home Office, PA Consulting, lost an unencrypted memory stick holding sensitive personal details of thousands of individuals in August 2008. The Undertaking has been signed on behalf of the Home Office by Sir David Normington, the Permanent Secretary."

1a. What was the nature of this "formal undertaking" [please supply a copy]

We believe that the information you have requested is already reasonably accessible to you. The undertaking can be found on the website of the Information Commissioner's Office at the following link:

http://www.ico.gov.uk/upload/documents/library/data_protection/notices/home_office_undertaking.pdf.

1b. What steps did you take to ensure this undertaking was complied with?

Swift action was taken by the Home Office to respond to this incident, as described in the formal undertaking. An Information Assurance Programme was in place in the Home Office at the time of this data loss and much of the work needed was already in hand. Steps to ensure that this undertaking is being complied with include:

- Clarification of roles and responsibilities – identifying and defining the roles of Senior Information Risk Owners and Information Asset Owners.
- Establishment of the above roles and the associated governance.
- Establishing and strengthening cross-government links both with the Cabinet Office as Government Lead for Information Assurance and with other Government Departments.
- Development and rollout of a self-assessment tool (HADRIAN) for suppliers to complete in which suppliers declare both the sensitivity of data being handled and the extent to which policies and procedures are in place to mitigate data loss risks for relevant goods and services. The self-assessment is supplemented by process which reviews the outputs to decide on audit activity and to feed back results to Commercial Managers with recommendations for improvement. This is currently a work-in-progress project and will deliver further improvements in terms of secure data handling during 2010.
- Contract terms and conditions relating to information security are currently being reviewed for inclusion in new contracts and are expected to be completed shortly.
- Providing Information Assurance training for all Home Office staff – by educating our staff who in sponsoring business units, we are hopefully strengthening their ability to ensure services provided by third parties are being delivered securely.
- Production and implementation of policies and guidance around information security and incident response.

- Annual security checks of IT systems and networks approved for holding sensitive personal information.

2. The Home Office habitually breaks the law relating to the Freedom of Information Act 2000 (the FOIA). The Information Commissioner's Office (ICO) has received hundreds of complaints about the Home Office's refusal to comply with FOIA.

http://www.whatdotheyknow.com/request/home_office_reported_to_the_info_2 states:

"We have issued 28 Decision Notices in relation to complaints about the Home Office" (with over 50 complaints in total upheld)

2a. What action have you taken to ensure that you comply with the FOIA?

The Home Office has recognised that it needs to improve its performance in relation to Freedom of Information requests. We have or shortly will implement the following:

- Improved awareness of Fol among all parts of the Department, particularly in relation to the requirement to answer Fol requests within 20 working days.
- Improved guidance on Fol on the Home Office internal website.
- Revised procedures, enabling staff in the Information Access Team and Information Access Practitioners in policy areas to track progress of Fol requests more effectively.
- Increased resources in the Information Access Team, including additional temporary staff to deal with backlogs and more permanent staff on an ongoing basis.
- A dedicated e-mail address for Fol requests, enabling the progress of requests to be monitored more effectively.

2b. What has been the cost to the taxpayer of your arrogant and repeated refusal to comply with this law?

The Home Office does not refuse to comply with the law and does not hold this information.

2c. Are these breaches of the FOIA the result of a deliberate policy of law breaking by the Home Office or the result of incompetence and negligence?

Neither.

2d. If these breaches are the result of a deliberate policy of law breaking, what actions are you taking to ensure that the law is complied with in the future?

The Home Office does not have such a policy, but the measures which we have undertaken or are undertaking to improve Fol performance are set out in the response to question 2a.

2e. If these breaches are the result of incompetence and negligence, what disciplinary action is taken against those civil servants responsible?

Since we do not accept that any breaches are the result of incompetence or negligence, this information is not held.