



Home Office

Information Access Team

Ground Floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF

Switchboard 020 7035 4848 Direct Line 020 7035 1022

info.access@homeoffice.gsi.gov.uk adrian.brook4@homeoffice.gsi.gov.uk

www.homeoffice.gov.uk

Mr Phillip Main

Request-24823-8b7dac34@whatdotheyknow.com

Date: 24 February 2010

Dear Mr Main

Freedom of Information request (our ref. 13690): internal review

Thank you for your e-mail of 6 January, in which you asked for an internal review of the Home Office response to your information request of 17 December 2009.

I have now completed the review. I have examined all the relevant papers and have consulted colleagues who provided the original response. I have considered whether the correct procedures were followed and assessed the reasons why information was not provided to you. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My main conclusion is that your request of 17 December 2009 should not have been judged as vexatious and should have been answered, as a general enquiry rather than as a Freedom of Information request.

You (and Mr John) asked where the public can report concerns about criminal offences by Internet Service Providers who intercept and monitor the content of communications traffic without the consent of sender or recipient. Criminal offences are matters for the police.

In addition, interception may in some circumstances be a matter for the Investigatory Powers Tribunal, which was set up by the Regulation of Investigatory Powers Act 2000, to deal with complaints from members of the public about the use or conduct by public authorities of their statutory powers under the Act. The Tribunal can be contacted at:

Investigatory Powers Tribunal

PO Box 33220

London SW1H 9ZQ

Tel: 020 7035 3711

Website: <http://www.ipt-uk.com/default.asp>



The Tribunal can investigate a complaint if it relates to a power held by the organisation complained about under the Regulation of Investigatory Powers Act (RIPA). The Tribunal has no jurisdiction to investigate complaints about private individuals or companies unless you believe that they are acting on behalf of an intelligence agency, law enforcement body or other public authority covered by RIPA.

The Information Commissioner has legal powers to ensure that organisations comply with the requirements of the Data Protection Act. More information is available on the Information Commissioner's website at:

http://www.ico.gov.uk/what_we_cover/data_protection.aspx.

The Information Commissioner can be contacted at the address given at the end of this letter.

You may also wish to be aware of a written answer given by Lord West on 22 May 2008 to a question from the Earl of Northesk about computer misuse and data protection, which is available in Hansard at the following link:

<http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80522w0001.htm#08052263000684>.

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your 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



Adrian Brook
Information Access Team