



# Home Office

## Information Policy Team Shared Services Directorate

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Dr Geraint Bevan  
Request-7815-033b153a@whatdotheyknow.com

February 22, 2010

Ref:11476

Dear Dr Bevan

I am writing with reference to your Freedom of Information request for information about Databases held by the Home Office and agencies.

First, I apologise on behalf of the Department for the length of time which it is taking to provide you with a response to your request. As I have previously explained to you, the legal position is that Fol Act allows us to exceed the response deadline of 20 working days where this is necessary to consider the public interest test in relation to one or more of the 'qualified' exemptions in the Act. This is subject to our telling applicants when we expect to conclude our deliberations and provide a full response. I have written to you on several occasions to explain the position that we were considering the public interest in relation to a number of exemptions. However, some of our letters gave undertakings to provide you with a final response by a certain date, which were not met. We accept that this would have been frustrating to you and it would have been better had a more realistic target date been set and adhered to.

Where the 20-day deadline does not apply, because of the public interest test, section 10(3) of the Act says that the public authority is not required to respond to the request 'until such time as is reasonable in the circumstances'. This is open to interpretation, but under guidelines published by the

Information Commissioner's Office a section 10(3) extension should normally be for no more than 40 working days from the date when we first inform the applicant that it is being applied. We are now long past that date.

In mitigation, I would make the point that your request for a list of and information about Home Office databases covers a very wide area and brings into consideration a number of exemptions in the Act. The range of databases and the information stored on them has meant that the response to your request has required clearance from a wide range of sources both within and outside the Department. If the cost of locating, retrieving and extracting the information and preparing the response were to be calculated, it would certainly exceed by some margin the cost limit in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This would be so even if we restricted the databases to those in the core Home Office, i.e. excluding its agencies.

With hindsight, it would have been justifiable had we declined to answer your request on grounds of cost under section 12 of the FoI Act.

We shall nevertheless comply with your request, subject to any exemptions which may apply to some of the information. I cannot give a definite date by which we expect to respond, but we aim to do so by the end of March. I can assure you that the response is under active consideration and is currently undergoing a process of clearance.

Yours truly,

Diana Pottinger  
Information Access Team