

Fahad Ansari

By e-mail

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20 December 2012

Ref: 25051

Dear Fahad Ansari

Thank you for your e-mail of 11 November, in which you ask for details of Exclusion Orders made by the Secretary of State against EEA nationals and their families under Regulation 19(1B) of the EEA Regulations 2006. You have specifically asked for:

1. How many Exclusion Orders to date has the Secretary of State made against EEA nationals and their families under Regulation 19(1B) of the EEA Regulations 2006? Please provide a breakdown according to year.
2. What are the names of the individuals these Orders were made against?
3. In each case, what was the nationality of the individual excluded?
4. In each case, what was the religion of the individual excluded?
5. In each case, what was the basis of the exclusion order?

Your request has been handled as a request for information under the Freedom of Information Act 2000.

I can confirm that the Home Office holds the information you have requested relating to questions 1-3 and 5.

I am able to disclose some of the information that you requested.

In response to question 1, I can inform you that the Secretary of State has made 45 Exclusion Orders in respect of EEA nationals under Regulation 19(1B). Exclusion decisions are made in respect of individuals and do not include their families.

I can confirm that 32 of these exclusion orders were made in 2012 and the remainder were made between 2009 and 2011.

In response to question 4, I regret to inform you that the UK Border Agency does not hold the information that you have requested.

With regard to the remainder of your request it is the general policy of UK Border Agency not to disclose, to a third party, personal information about another person. This is because UK Border Agency has obligations under the Data Protection Act and in law generally to protect this information. Your request for a full breakdown by year, names, nationalities and basis for each individual exclusion order has been considered in line with UK Border Agency's obligations under the Freedom of Information Act. However, we have concluded that the information you have requested is exempt from disclosure under section 40(2) of the FOI Act. This exempts personal data if disclosure would breach any of the data protection principles. As the exemption under section 40(2) of the Act is what is termed an 'absolute exemption' it is not necessary to consider public interest arguments affecting its application.

Further explanation of our reasons for withholding this information is contained below.

The disclosure of names, nationalities and basis of the exclusion for each individual concerned would entail the direct release of personal data about each individual.

We have considered whether to withhold only the names of the individuals concerned, but to release the rest of the information requested. However, we have concluded that the data relating to the years 2009-2011, most of the data relating to nationalities and the information on the basis of each individual's exclusion order, relate to sufficiently small numbers of people that its release would breach the Data Protection Principles. This is because the information released could be linked to particular individuals, or enable individuals to be identified if that information were cross referenced with other data that may be available via other sources.

Although not all of the nationalities relate to very small numbers of people, we consider that the release of figures relating to some nationalities but not others, could similarly make it possible for someone, who already knows information relating to any of the other nationalities, to deduce information about individuals who have been excluded because they would know, from the omission of that nationality from our response, that they are from a nationality of which only a small number of people have been excluded.

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 25051. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

The Deputy Director
UK Border Agency
Freedom of Information Team
11th Floor
Lunar House
40 Wellesley Road
Croydon CR9 2BY
E-mail: Freedom.Informationteam@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

FOI Caseworker
UK Border Agency