



Home Office

Border, Immigration &  
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Axel Antoni

By Email: [533866-7bd94f9a@whatdotheyknow.com](mailto:533866-7bd94f9a@whatdotheyknow.com)

FOI Reference: 51188

Date: 13 December 2018

Dear Axel Antoni,

Thank you for your email of 20 November 2018, in which you asked for further information relating to the EU Settlement Scheme data policy. Your full request is shown at Annex A.

Your request has been handled as a request for information under the Freedom of Information Act 2000. Your questions have been addressed in turn.

1. The privacy notice as referenced in the EU Exit: ID Document Check app is for the whole of the Border, Immigration and Citizenship System. It applies to all personal information gathered for the purposes of entering or leaving the UK, securing the border, making an application for a visa, leave, settlement, citizenship or other immigration service, claiming asylum or other form of protection, or gathered as part of the process of securing the border or enforcing immigration laws will be held and processed by the Home Office.

Further information on this is set out in the Borders, Immigration and Citizenship privacy information notice: <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship/borders-immigration-and-citizenship-privacy-information-notice>. This link is included in the privacy policy text in the app.

2. I can confirm that the Home Office holds the information that you have requested. However, after careful consideration we have decided that the information is exempt from disclosure under Section 31(1)(a)(e) of the Freedom of Information Act 2000.

In reaching this decision the public interest test was conducted and the public interest falls in favour of maintaining that exemption. Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion, are set out in Annex B below.

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 [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 51188. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

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

Yours sincerely

**EU Exit Immigration Portfolio Team**

Border, Immigration & Citizenship System Policy and International Group

## Annex A – FOI request

**From:** Axel Antoni [mailto:request-533866-7bd94f9a@whatdotheyknow.com]

**Sent:** 20 November 2018 12:37

**To:** FOI Requests

**Subject:** Freedom of Information request - Settled Status app - Data privacy

Dear Home Office,

I am writing to you regarding the Settled Status application process especially relating to the information provided in the EU Exit mobile phone app:

<https://play.google.com/store/apps/details?id=uk.gov.HomeOffice.ho1>

Under "Privacy policy" the app provides the following information:

"We may also share your information with other public and private sector organisations in the UK and overseas."

Please provide the following information:

1) Please confirm whether privacy policy only refers to data provided in specific "EU Exit" app or also to data provided during the subsequent online/paper application process. If not applicable to the subsequent process please provide wording of relevant privacy policy.

2) List of all organisations (public and private sector) involved with storage, transfer and processing of data provided during the settled status application process. Please specify:

a) Whether organisation is public or private sector

i) Please specify if used in current trial

ii) Please specify if used in full future roll-out

b) Nature of data processed, transferred or stored by organisation

i) Personal detail:

(1) Name - including previous names if applicable

(2) Date of Birth

(3) Nationality

(4) Contact details

ii) Bio-metric

iii) National insurance number

iv) Criminality declaration

v) Facial image

vi) ID/Passport data

vii) Photo of ID/passport

viii) Any other data - please specify

c) Jurisdiction of organisation

d) Physical location of organisation (country)

e) If data is stored or processed please provide location (country) of servers by organisation

f) Data retention policy for data provided to public and private sector organisations by organisation

Yours faithfully,

Axel Antoni

## **Annex B**

### Section 31(1)(a)(e)

Section 31(1)(a)(e) of the Act provides for information to be exempt if its disclosure would, or would be likely to, prejudice the prevention or detection of crime and the operation of the immigration controls.

The use of this exemption requires us to consider whether, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. We have set out the public interest considerations below:

There is public interest in releasing the information as this may demonstrate to the public that personal information enrolled as part of the EU Settlement Scheme application process will be used, processed and stored in line with the appropriate legal basis as set out in the General Data Protection Regulations (GDPR) or the Data Protection Act 2018.

It is our belief that the disclosure of such information will make the application system vulnerable to malicious attacks and hamper our ability to effectively operate immigration control. Disclosure would reveal details about critical operational processes which could hamper our ability to effectively operate immigration controls. Essentially, the danger from disclosure is that it puts critical operational and application system information in the public domain, making it possible for those intent on exploiting our system to circumvent immigration controls.

We recognise that there may be some public interest in this particular subject; however, for the reasons mentioned above, we consider that in this case the public interest in maintaining this exemption outweighs the public interest in its disclosure.