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Mr Robert Simpson
request-73668-03f80095@whatdotheyknow.com

2 September 2011

Dear Mr Simpson

Freedom of Information request (our ref. 18864): internal review

Thank you for your e-mail of 5 July 2011, in which you asked for an internal review of our response to your Freedom of Information (FoI) request relating the current operations manual used by the Identity and Passport Service (IPS) in processing passport applications.

I have now completed the review. I have examined all the relevant papers, including the information that was withheld from you, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed and assessed the reasons why information was withheld from 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 it was not appropriate to withhold the indexes relating to IPS operational guidance. The requested information is enclosed at **Annex A** of the attached report.

Information requested in relation to the titles of supplementary material is not provided as it would exceed the cost limit to do so. A detailed explanation of the cost limit is included in the attached report.

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

L. Fisher
Information Access Team

Internal review of response to request under the Freedom of Information (FoI) Act 2000 by Mr Robert Simpson (reference 18864)

Responding Unit: Identity and Passport Service (IPS)

Chronology

Original FoI request:	2 June 2011
Acknowledgement:	7 June 2011
Original FoI deadline:	1 July 2011
IPS response:	1 July 2011
Request for internal review:	5 July 2011

Subject of request and IPS response

1. Mr Simpson's FoI request of 2 June 2011 asked for information relating to the current operations manual used by the Identity and Passport Service (IPS) in processing passport applications.

2. Mr Simpson's original FoI request is set out in full below.

   *"I would like to request the complete **index** of the current operations manual used by IPS in the course of processing passport applications.*

   *If it reduces your response effort, I am happy to instead have a copy of the **complete operations manual, including index.***

   *I would also like to know the **names of any supplementary material** (whether electronic or on paper) which is not part of the operations manual but which is used for communicate policy or procedural changes to IPS staff.*

   I would prefer, where possible, to have this as a PDF file."

The response by IPS

3. IPS did not provide the index of its operational policy guide, citing section 21(1) (information reasonably accessible by other means). Although a full index is not on its website, IPS considers that such information could be assembled using the publicly available information relating to the policy guide which is published on its website.

4. IPS provided website links to the passport applications policy guide in its original response. It also provided website links to related

information on UK nationality law on the UK legislation website and the UK Border Agency website.

5. IPS withheld its procedure guide in full. The procedure guide relates to the operation of the IPS computer system and security checks and is not available on its website. This document was considered exempt by virtue of section 31 of the Act, specifically section 31(1)(a) (prevention and detection of crime) and section 31(1)(e) (operation of immigration controls). Arguably, this is not relevant given that the main focus of Mr Simpson's request was for the indexes and names of supplementary material in relation to the operational guidance.

6. The final part of Mr Simpson's request was regarding the 'names' of any supplementary material issued. IPS confirmed that such material is issued through its policy and procedure releases and circulars.

7. The full IPS response is at **Annex B.**

Mr Simpson's request for an internal review

8. Mr Simpson's internal review request is set out in full at **Annex B**. He argues that IPS did not provide satisfactory reasons as to why the indexes were withheld.

9. Mr Simpson modifies his original request at the internal review stage, by stating that his request encompassed section titles (which could be interpreted as a contents page). Since Mr Simpson states that this was what he asked for in the original request, I have not interpreted this as expanding the original request.

10. Mr Simpson's original request asked for 'the complete index of the current operations manual'. An index can be defined as: "*An alphabetised list of names, places, and subjects treated in a printed work, giving the page or pages on which each item is mentioned*." The focus of this internal review will therefore be on the indexes only using the above definition.

11. To summarise, the information under consideration for this report are the indexes (as per the above definition) for the IPS Policy guide and IPS procedure guide and the titles of any supplementary material for the policy and procedure guides. It does not include consideration of the procedure and policy guides in full, as the main focus of Mr Simpson's original request and internal review request is regarding the indexes of such. His internal review request also confirms the focus of the request is on the indexes as he states: *"I am not asking for the content, although you should feel free to provide that."*

Procedural issues

12. IPS did not comply with section 1(1)(a) of the Act as it did not clearly confirm whether it held the indexes for the policy and procedure guides. I can confirm that IPS does hold an index for each of the guides referred to in its original response.

13. IPS responded within twenty working days, complying with section 10(1) of the Act.

14. IPS complied with section 17(1) by stating its reasons for refusing to release some of the information and the exemption that applied.

15. Mr Simpson was informed of his right to request an independent internal review of the handling of his request, as required by section 17(7) of the Act. IPS' response also informed him of his right to complain to the Information Commissioner, as specified in section 17(7) of the Act.

Consideration of the response

16. IPS does not hold a separate index of operational information nor does it hold one complete operational manual. It does however hold two operations manuals which are used in the processing of passport applications. These are the IPS policy guide and the IPS procedure guide.

17. IPS withheld the indexes of the policy and procedure guides under section 21(1) (information reasonably accessible by other means), section 31(1)(a) (prevention and detection of crime) and section 31(1)(e) (operation of immigration controls).

18. I have viewed the withheld information and consider that no exemptions apply. It was not appropriate to cite section 21(1) (information accessible by other means) as the indexes are not available on the IPS website. IPS has not been able to show how disclosure of the indexes would or would be likely to prejudice either the prevention and detection of crime or the operation of the immigration controls. The indexes are therefore deemed suitable for release.

19. In the second part of his request Mr Simpson asks for the titles of supplementary material for conveying policy or procedural changes to staff. In its original response IPS confirmed that such information is communicated via the following two methods: policy/procedure releases and circulars. I am satisfied that IPS holds no further information for this question.

Conclusions

20. IPS responded within twenty working days, complying with section 10(1) of the Act.

21. IPS did not comply with section 1(1)(a) of the Act as it does not clearly state whether it holds indexes for the policy guide and procedure guide.

22. Section 21(1) (information accessible by other means), section 31(1)(a) (prevention and detection of crime) and section 31(1)(e) (operation of immigration controls) are not engaged for the indexes. No other exemptions apply to the material. The information is therefore suitable for release and is enclosed at **Annex A.**

Information Access Team, Home Office
September 2011

Annex A – Information for disclosure

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Annex B – IPS response and Mr Simpson's internal review request

IPS response

"Dear Mr Simpson

Thank you for your e-mail of 2 June, in which you requested the complete index of the current operations manual used by the Identity and Passport Service (IPS) in processing passport applications. Your request has been handled as a request for information under the Freedom of Information Act 2000.

I am able to disclose some of the information that you requested, as set out in the enclosed 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 FOICR 18864/11. 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: FOIRequests@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

Head of Parliamentary and Correspondence Management Team

Annex to letter

You asked:-

I would like to request the complete index of the current operations manual used by IPS in the course of processing passport applications. If it reduces your response effort, I am happy to instead have a copy of the complete operations manual, including index.

The IPS response is:-

We do not hold a separate index of all operational information, nor do we hold one complete operations manual, covering all areas. However, IPS has two

operational manuals used in the processing of passport application and these are the Policy guide and the Procedure guide.
The majority of the Policy guide is published on our website. The policies which are published on our website each have their own contents list at the beginning of the document. These documents are updated periodically and new updates are planned within the next 3 months.
Therefore, we believe that a large part of the information you have requested is already reasonably accessible to you. Section 21 of the Freedom of Information Act exempts IPS from having to provide you with this information, because it is already in the public domain. It can be found on the Home Office website link (URL) below:-
http://www.homeoffice.gov.uk/publications/agencies-public-bodies/ips/passports-policy-publications/?view=Standard
In addition, there is a booklet which staff use to determine nationality in complex cases, which contains information that is already publicly available on UK nationality law. It is called the Order Book. If you require this information, it can be found on the UK Legislation website (URL): http://www.legislation.gov.uk/
You may also want to check the UK Border Agency (UKBA) website below which has a comprehensive guidance on nationality law.
http://ukba.homeoffice.gov.uk/britishcitizenship/
However, because of the sensitive nature of the Policy guide, some information is either removed from the published documents or not published at all.

The Procedure guide relates to use of our computer system and security checks and is not published.

Sections 31(1)(a) and (e) of the Freedom of Information (FOI) Act covers information which, if disclosed, would be likely to prejudice the prevention or detection of crime - 31(1)(a) and the operation of immigration controls- 31(1)(e). The application of Section 31 requires the public interest test to be considered as it is a qualified exemption. IPS has to balance the public interest in withholding the information in the Procedures guide and some of the information in the Policy guide against the public interest in disclosing it. There is a general public interest in increasing the public awareness of the steps taken to ensure that requirements in relation to the security and operation of the UK passport are robust. Disclosure of this type of information also demonstrates openness, transparency and accountability in how resources are used and what processes are in place in preventing and detecting offences.

On the other hand, disclosure of the requested information would provide criminals with avenues and hints on how to circumvent background checks and obtain a British passport fraudulently. Fraudulently obtained passports lead to other associated crimes such as terrorism, fraud and computer misuse being perpetrated. As passports facilitate overseas travel, fraudulently obtained passports lead to illegal immigration and prejudice immigration controls.

Whilst it is considered that maintaining the confidence in the security and operation of the UK passport is crucial to the public interest, IPS considers that the release of this information would be likely to prejudice the prevention and detection of crime and the operation of immigration controls. In this case we believe that the public interest falls in favour of non-disclosure.

You asked:-

I would also like to know the names of any supplementary material (whether electronic or on paper) which is not part of the operations manual but which is used for communicate policy or procedural changes to IPS staff.

The IPS response is:-

In terms of communicating policy and procedure changes to IPS staff, there are two other forms of this:-

Policy and Procedure Release
Circulars

The monthly Policy and Procedure Release is a round up of the policy and procedure which has been released that month (if any). Policy information contained in the Policy Release is added to the published versions on the above link."

Mr Simpson's internal review request

"Dear Identity and Passport Service,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Identity and Passport Service's handling of my FOI request 'Index of IPS passport Operations manual'.

You have pointed me to your public web site and said that "The majority of the Policy guide is published on our website". My FOI request also covers the titles and index(es) of the remainder of the Policy Guide which is not on your web site. These were not provided and no clear reason was provided for refusing it in whole or in part.

You have also refused to release any of the "Procedure guide",again specifically the titles of sections and index(es).

I do not believe that the reason given for refusing my request is a valid one.

I asked for the section titles and index(es) only. I am not asking for the content, although you should feel free to provide that.

Should specific sensitive names or details be included in what I have asked for, I would consider it quite reasonable, if required by law, that those sections be redacted or not released.

But it is hard to believe that the section titles and index(es) of the entire Procedure guide is being withheld under Sections 31(1)(a) and (e) as well as the titles and index(es) of the rest of the Policy Guide. Are the titles and index(es) really sensitive enough to legally withhold in their entirety?

A full history of my FOI request and all correspondence is available on the Internet at this address: http://www.whatdotheyknow.com/request/in...

Yours faithfully,

Robert Simpson"