



Home Office

Performance,
Assurance and
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Directorate
2 Marsham Street
London SW1P 4DF

020 7035 4848
(switchboard)

www.gov.uk

A Brunt
request-541073-
68229e09@whatdotheyknow.com
3 July 2019

Dear Ms Brunt

Freedom of Information request (our ref. 53780): Internal Review

Thank you for your e-mail of 17 June 2019, in which you asked for an internal review of our response to your Freedom of Information (Fol) request.

I have now completed the review. I have examined the response and I have considered whether the correct procedures were followed and assessed the reasons behind the response. I can confirm that I was not involved in the initial handling of your request.

Your request can be viewed at **Annex A** and response is at **Annex B**. The response refused the request under section 12 of the Act, referring you to a previous response 53309

Your internal review request is at **Annex C**, but the crux of your complaint is that you disagreed with the response.

I have now considered your complaint and have consulted with the responding unit. My main finding is that the response provided to you was correct, section 12 (cost) was correctly engaged. However, the response should have stated which limb of section 12 applied. There are two limbs –

(1)Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2)Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

In this case, I can confirm the correct limb was section 12(2). Please accept my apologies that the original response failed to state this.

Having reviewed the case, I can confirm that the information you seek would exceed the cost limit, based on its scope. This is because the information requested is not held

centrally and if indeed the information is held, it would be stored across multiple locations, within individual units or by line managers. To collate it would require significant work just to establish if the information is held as it would necessitate contacting 100+ units and asking them to search their records on individual staff members. We estimate this would be significantly over the cost threshold.

You were informed in our response to your previous request, FOI 53309, that disciplinary information is held centrally by our HR department and that information could be searched within the cost limit. You were also informed that *"no member of Home Office staff has been disciplined for facilitating malicious criminal accusations."* This provides the limit of the information that could be supplied under the cost limit for the scope of this request.

When engaging section 12(2), any response should provide advice and assistance on how to make a revised request to bring the scope down under the cost limit. Once advice is provided in a response, the onus is then on the requestor to resubmit a revised request. Alternatively, if it is not possible to amend the scope of a request the response should inform the requestor of that as well.

This latter point is a key part of your internal review request as you do not believe you have been adequately advised. However, the history of this request and the advice provided spans multiple requests, including FOI refs: 51708, 52146, 53309 and 53780 and your internal review argument, reflects a multitude of conflated issues from these responses.

Each FOI request is handled on its own merits and is taken in isolation on the individual request made. Looking back, across all these responses they have all been refused under section 12(2) (cost). 51708 also had an internal review carried out which upheld its application.

In response to 51708 you were told

"The Home Office may be able to provide some information in scope of your request if you refine your request by either reducing the time period of your request and/or specifying a category to bring the cost of compliance under the limit."

This did not confirm it was possible, only that it may be able to be provided.

In response to 52146, you were told,

"Given the nature of your request we are unable to suggest any further refinement which might bring it within the cost limit. I should stress that we have no reason to believe that the Home Office holds any information within the scope of your request."

You then wrote to the Home Office asking for further advice on how to refine your request and on 11 April 2019, you were advised the following –

"In response to your first FOI request on this topic (reference: 51708), we outlined some ways in which you might refine your request, including by specifying the time period of your request and/or specifying a category of interest. As we explained in our response to the above request, however, the nature of your request has remained too broad and we do not consider that we comply with it at a cost below the £600 limit. Beyond what we have already advised, I am afraid that we are

unable to suggest any further refinement to your request which may bring it within the cost limit.”

In response to 53309, you were provided with a more detailed response, explaining why it is not possible to offer advice on who to bring your request under the cost limit.

“To determine if the Home Office, any of its members of staff, or contractors used would require a manual search of all units across the Home Office. For a government department with in excess of 31,000 members of staff this would clearly breach the cost limit as describe above.

I realise that the Home Office has already stated that, for the majority of your request, we are unable to make any reasonable refinements to your request so that it falls within the cost limit. However, for individual staff members, making or facilitating malicious criminal accusations would result in disciplinary action. Disciplinary information is held centrally by HR can be searched within the cost limit. On that basis I can confirm that no member of Home Office staff has been disciplined for facilitating malicious criminal accusations.”

This response confirmed that it would not be possible to refine your request to bring it under the cost limit.

In response to 53780 we referred you to 53309.

This review finds that the Home Office has met its obligations under section 16, advice and assistance of the FOI Act. The Home Office maintains it is not possible to refine this request or your previous request to bring it under the cost limit and that it is not possible to offer you any further advice that would do so.

Conclusion

Section 12(2) is upheld. The Home Office met its obligations under section 16 of the FOI Act.

Yours sincerely

Martin Riddle
Information Rights Team

Switchboard 020 7035 4848

E-mail FOIRequests@homeoffice.gsi.gov.uk

Annex A – Original request

Dear Home Office,

You asked for a category and time period in order to simplify this request so you could supply this information free or charge, which I did.

You state it would still take too long and be too expensive to provide this information, so I'd like to refine this further as follows:

- Has the Home Office (including those working on behalf of the Home Office) ever supported anyone to make child abuse accusations, between 2013-September 2014), for malicious purposes?

If it is still too costly to comply after multiple refinements, as advised by you, please detail further ways this could be refined in order for you to comply.

Yours faithfully,

Annex B – Response

Freedom of Information request (our reference: 53780)

Dear A Brunt,

Thank you for your e-mail dated 18 May 2019 in which you requested information on Home Office malicious actions. Your request has been handled as a request for information under the Freedom of Information Act (FOIA) 2000.

Your full request was as follows:

You state it would still take too long and be too expensive to provide this information, so I'd like to refine this further as follows:

- Has the Home Office (including those working on behalf of the Home Office) ever supported anyone to make child abuse accusations, between 2013-September 2014), for malicious purposes?

If it is still too costly to comply after multiple refinements, as advised by you, please detail further ways this could be refined in order for you to comply.

If I may refer you to my previous response dated 14 May 2019 as I stated then I was unable to offer any reasonable ways to refine your request, therefore this request would still breach the cost limit.

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 53780. 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 Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: info.access@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

Annex C – Internal Review

Dear Home Office,

Re: 53780

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

I am writing to request an internal review of Home Office's handling of my FOI request 'Abuse Victims, National Security Defence, Behaviour Modification & Police Investigations'.

The reason I am requesting a review is on the following grounds:

- I was told that my original request would be too costly.
- As per ICO guidance, I then sought your advice in terms of how the request could be revised, so it wasn't so costly and so some relevant data could be supplied.
- I then revised the request as per your guidance.
- Despite that, I was told it would still be too costly, which I feel is unreasonable, given I followed your advice in terms of how to revise it so it wasn't too costly.
- I also dispute that this would be too time consuming and costly to supply, so I request that this decision is reviewed and that if you are sticking by this decision, you properly advise me in respect of how it could be revised, so relevant data to my request can be supplied.

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

Yours faithfully,

Annex D – Complaints procedure

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