



Home Office

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

020 7035 4848  
(switchboard)

[www.gov.uk](http://www.gov.uk)

John Jones  
Via e-mail: request-524853-  
aeb98d9b@whatdotheyknow.com

Date 19<sup>th</sup> December 2018

Dear Mr Jones

**Freedom of Information request – 51199.**

Thank you for your e-mail of 20<sup>th</sup> November 2018, in which you ask for information concerning telephone calls made by service users to the Home Office and the Department's "Unacceptable Behaviour" policy. Your request, which is set out in full in the attached Annex A, has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

The Home Office does not hold the information which you have requested.

We explained in our previous response to your request reference 50533 the reasons why we could not provide the information you had requested. The response is shown in Annex B. We have nothing further to add to this response. The questions you ask essentially seek the same information to that which you previously requested.

I note that you invite the Department to choose any six questions from your previous request, to which we can respond. We do not, however, hold information to answer any of them.

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 51199. 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

Anne Tomkins  
Information Rights Team

Switchboard 020 7035 4848

E-mail [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk)

## Annex A: Request 51199 in full

Please choose a few questions to answer as a suggestion heres 6

- 1) Are Service Users or the general public allowed to audio-visually record meeting and calls with your staff? If so, do they require permission or are they permitted to do so covertly?
- 2) Do you have any guidance or policy for the public or service users to record calls when they speak to your staff
- 3) What is your organisations protocol on service users recording calls when they speak to your staff or call centres? Please provide a copy of your policy, procedure and guideline notes on this issue.
- 4) Do you Inform Users they can record. If the answer is no what is the reason for this please if so do send me a copy..
- 5) Are service users made aware of their right to record the encounter, if they choose to do so? Is this reflected in you policy document on the matter?
- 6) Does your organisation have an "Unacceptable Behaviour" policy? If so, please can you provide me with a copy? Regarding court staff the public or the court itself.

## Annex B – full text to FOI 50533.

John Jones  
[request-524853-  
aeb98d9b@whatdotheyknow.c  
om](mailto:request-524853-aeb98d9b@whatdotheyknow.com)

17 October 2018

Dear Mr Jones

### **Freedom of Information request: reference 50533**

Thank you for your e-mail of 8 October 2018, in which you ask for any guidance or policy for the public or service users to record calls when they speak to Home Office staff. You also sought information on any “Unacceptable Behaviour” policy as well as information on charging policies for Freedom of Information and subject access requests. You also sought information on the Home Offices complaints policy. Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

Under section 12(2) of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit.

We have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. We are therefore unable to comply with it.

There is no central policy or guidance for “Unacceptable Behaviour” linked to phone calls or guidance or policy regarding the public recording Home Office personnel. The Home Office is a large organisation with many public facing functions, it is possible that there is some locally held guidance and/or policy may be held. The same is true for complaints. There are many different complaints routes for the wide range of functions of the Home Office. Without commissioning a Home Office wide search it would not be possible to confirm what information exists. To do so would mean querying in excess of 100 individual units. Based on taking 30 minutes per unit to carry out the necessary searches, we estimate it would take in excess of 45 hours to potentially identify the information.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

If you refine your request, so that it is more likely to fall under the cost limit, we will consider it again. I can tell you that the Home Office does not charge for Freedom of Information or Subject Access requests. I can also tell you that if you were to target your request to specific parts of the Home Office, one at a time, it might be possible to establish if the information you seek is held. For example, submitting a request concentrating on a specific area such as Border Force, Her Majesty’s Passport Office, or UK Visas and Immigration.

Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

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 **50533**. 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

Martin Riddle  
Information Rights Team  
Switchboard 020

Dear Home Office,

Are Service Users or the general public allowed to audio-visually record meeting and calls with your staff? If so, do they require permission or are they permitted to do so covertly?

FOI Request.

Freedom of Information Act 2000

Public Interest Survey

<http://www.freedomtalkradio.co.uk/uk-surveillance-laws-it-is-not-ilegal-to-record-public-servants-and-business-for-personal-use-in-the-uk/>

1 Do you have any guidance or policy for the public or service users to record calls when they speak to your staff What is your organisations protocol on service users recording calls when they speak to your staff? Please provide a copy of your policy, procedure and guideline notes on this issue. or call centres Do you Inform Users they can record. If the answer is no what is the reason for this please if so do send me a copy.

Are service users made aware of their right to record the encounter, if they choose to do so? Is this reflected in you policy document on the matter?

2. Does your organisation have an "Unacceptable Behaviour" policy? If so, please can you provide me with a copy?

If such a policy contains points of objectionable behaviour such as telephones calls being recorded by the caller due to them being not necessary or unwanted or needed, and furthermore the staff members may feel threatened or apprehensive, are you aware that denying users the right to record calls goes against the current UK laws.

3. Are your policies and procedures compliant with the public right to audio-visually record encounters with your staff, without their consent? If not, will you provide appropriate training for your staff so they are fully informed of the Public right to record?

4. What is our organisations current charging policy for Freedom of Information requests (FOI) or Subject Access Requests (SAR)? If charges are applied are concessions available for those on low income or students?

5. What is your organisations complaints policy? Please can you forward me a copy. Does your complaints procedure permit service users evidence such as covert call recordings to form part of the investigation.

The Public need to record all calls too many lies now its time for honesty.

Your comments please [freedomtalkradio2013@gmail.com](mailto:freedomtalkradio2013@gmail.com)

Yours faithfully,