



Home Office

Performance, Assurance and Governance Directorate  
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London SW1P 4DF  
**Switchboard 0207 035 4848**

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

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

16 January 2019

Dear Mr Jones

**Freedom of information request (our ref. 50680: internal review)**

Thank you for your email dated 19 November 2018, in which you asked for an internal review of our response to your Freedom of Information (FOI) request for any guidance or policy for the public or service users to record calls when they speak to Home Office staff. This is a follow on request from FOI 50533.

I have now completed the review. I have examined all the relevant papers and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed and can confirm that I was not involved in the initial handling of your request.

The Home Office response of 15 November 2018 refused your request under section 12(2) of the FOIA. This is because we have estimated that the cost of meeting your request would exceed the cost limit set out under section 12(2) of the Act. The reasons for our decision were set out in our responses to FOI requests 50680 and 50533.

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.

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 and 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.

In your request for an internal review you have asked for an estimate of the cost of providing the requested information. An estimate was provided in our response to your original FOI request 50533. We would need to request in excess of 100 individual units within the Home Office to conduct searches to identify any information within scope of your request. Based on 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.

My conclusion is that the original response was correct to refuse the request under the cost limit.

Yours sincerely

J Conquest  
Information Rights Team

## Annex A – Original request

Follow-up to 50533:

- 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.
- 7) 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.
- 8) 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?
- 9) 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?
- 10) 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?

## **Annex B – Response letter**

Dear Mr Jones

Thank you for your e-mail of 18<sup>th</sup> October 2018.

We believe that to answer your follow-up request (50680), shown below, would exceed the cost limit under section 12(2) of the Freedom of Information Act (FOIA), for the same reasons as we explained in our previous response to your request, reference 50533 (attached ). 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.

You may wish to consider the suggestions made in our previous response on how you could refine your request, so that it is more likely to fall under the cost limit.

If you are dissatisfied with this response or our original response you may request an independent internal review of our handling of your requests by submitting a complaint within two months to [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 50533 and 50680. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the responses.

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.

### ***Follow-up to 50533:***

- 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.***
- 7) 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.***
- 8) 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?***

- 9) 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?**
- 10) 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?**

Kind regards.

A.Tomkins.

## **Annex C – Internal Review request**

Dear Home Office,

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 '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.'

I have had 4000 organizations do me a request and not one gave a excuse for the charging limit to be breached,

I feel you are using this as a excuse to avoid giving out the information which is in the public interest.

Please send me a estimate of your costs as i want to see if they are the same charges others would charge me i will appeal all the way as i have the evidence.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/are\\_service\\_users\\_or\\_the\\_general\\_4](https://www.whatdotheyknow.com/request/are_service_users_or_the_general_4)

Yours faithfully,

John Jones Researcher

## **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