



Home Office

Corporate Services
2 Marsham Street
London SW1P 4DF

020 7035 4848 (switchboard)

www.homeoffice.gov.uk

Mr Sukwant Singh

By email:

request-192568-cc610363@whatdotheyknow.com

28 August 2014

Dear Mr Singh

Freedom of information request (our ref. 31711): internal review

Thank you for your e-mail of 17 June, in which you asked for an internal review of our response to your Freedom of Information (Fol) request asking for copies of PIN/MQT notices that the European directorate may hold with reference to the Surinder Singh principle.

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

The initial Fol request was received by International Policy Group (IIPG) on 12 January 2014, in which Mr Singh requested information on guidance issued to staff in relation to the 'centre of life' test which must be met by applicants applying for residence documentation under regulation 9 of the Immigration (European Economic Area) Regulations 2006, as amended on the 1 January. On 23 February IIPG responded to this request. A copy of the full response can be found at **Annex A**.

Mr Singh, having received this response, submitted a follow up request on 3 February (**Annex B**). After several exchanges regarding clarification of the request and follow up queries (**Annex C**), on 15 May Mr Singh wrote challenging whether we had in fact issued a second clarification letter at all and asked for copies of MQT/PIN notices with regards to the Surinder Singh case, specifically those concerning the centre of life guidance. This was treated as a new request and a response was issued on 17 June (**Annex D**). On that same date, Mr Singh wrote to the IMS requesting an internal review of the final response, (**Annex E**). Mr Singh questioned the application of section 12 towards his request and challenged the explanation given with regards to the scope of the searches required to fully respond to his request.

The initial response of 23 January provided Mr Singh with the EOPN (policy notice). This is the most up to date and comprehensive guidance issued on this subject and no further MQT or Pin notices were issued with regards to this subject. The citation of section 12 in response to the clarified request was incorrect. The response ought to have explained that the information requested had already been provided in our initial response and that this was the most up to date

and comprehensive guidance issued on this subject. It should have confirmed no further MQT or Pin notices were issued with regards to this subject.

Mr Singh also requested a copy of the email communication that was sent to staff when the policy notice (issue Number 02/2014) was circulated. I now provide this in the enclosed **Annex F**. Names, contact details and email addresses of the sender and recipients have been redacted. This is because the Home Office has obligations under the Data Protection Act and in law generally to protect personal information. We have concluded that some of the information contained in this email is exempt under section 40(2) by virtue of the condition at section 40(3)(a)(i) of that Act, because disclosure would contravene the Data Protection principles listed in the Data Protection Act 1998. Section 40(2) is an absolute exemption that does not require any consideration of the public interest test. Information outside the scope of this request has also been removed.

This completes the internal review process by the Home Office.

Yours sincerely

S. Khanom
Information Access

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex A (Initial response (FOI 30270))

Thank you for your correspondence dated 12 January which concerns guidance in relation to the „centre of life“ test which must be met by applicants applying for residence documentation under regulation 9 of the Immigration (European Economic Area) Regulations 2006, as amended on the 1 January. Your request has been handled as a request for information under the Freedom of Information Act 2000.

In your email you state:

“It appears clear that you have issued new Centre of life guidance for Surinder Singh to case workers.

“Can you please provide all policy updates. Home office circulars. And full copies of guidance in relation to the new regulation 9.3 of [the EEA Regulations] 2006 that was introduced on Jan 1. 2014.”

In respect of policy updates and guidance, I can confirm that the Home Office holds the information you have requested and I am disclosing this at Annexes A and B to this response.

Annex A contains the relevant training slides used in training staff on the new requirements. There are seven pages in total.

Annex B („Notice 02/2014 – Surinder Singh“) is guidance issued by the European operational policy team for use by caseworkers assessing applications made under the Surinder Singh route from 1 January 2014 (three pages in total).

Please note that names and telephones numbers of individual staff members have been redacted from Annex B on the ground that this constitutes personal data and is therefore exempt from disclosure under section 40(2) of the Act. The exempted sections are marked as redacted.

I can confirm that the Home Office has not issued any “Home Office circulars” on this subject.

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 **FOI 30270**. 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: 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

P Grant

European Operational Policy Team

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex B (Follow up request (FOI 30270))

3 February 2014

Dear FOI Responses,

Re 30270

I believe that you send the policy updates as you have provided with an email communication. (I have seen a number of these previously).

Can you please provide me with a copy of the message that this guidance was attached to. If one exists.

Yours sincerely,

Sukwant Singh

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex C: 1st letter for clarification from IMS

3 February 2014

Dear Sukwant Singh,

Further to your below request.

I would be grateful if you could clarify what information you require.

Specifically could you explain what email communication you require by providing the date of the email and the topic or subject of the email.

Yours sincerely,

Information Management Services (IMS)

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex C: Response from Mr Singh to 1st request for clarification (FOI 30270)

4 February 2014

Dear Freedom Of Information Team (IND),

Ref 30270

Further to your request for clarification. I believe you refer to them as P.I.N. or MQT policy notices and Communication Notices

Yours sincerely,

Sukwant Singh

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex C: Response to clarified request (FOI 30270)

14 May 2014

Dear Sukwant Singh,

I apologise for the delay in the handling of your following correspondence to request 30270. As you are aware we clarified your follow up request of the 26/01 on the 3/02.

I can confirm that we received your clarification of 4/02 for P.I.N. or MQT policy notices and Communication Notices, however, our records show that further clarification was needed and clarification was sent on the 11/02. However, it appears that you did not receive our clarification and unfortunately we no longer hold a copy of it. Therefore, we believed your request was closed and therefore are unable to conduct an IR review of it.

We would be happy to reopen your request; however, I would be grateful if could confirm what information you require in order to avoid any further misunderstandings.

Your sincerely,

FOI Requests,

Home Office

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex C: Request from Mr Singh for copies of MQT/PIN notices

15 May 2014

Dear Freedom Of Information Team (IND),

RE: 30270

You state that you sent a clarification request on 11/02. However, you also confirm you do not hold a copy of this clarification request. I therefore believe that this is conclusive that no clarification was requested. I am interested in receiving a copy of this information that you do store: Would this be considered a Subject Access Request - or would I be able to request this information under the FOI Act.

Your own freedom of information policies (released earlier this month via the WhatDoTheyKnow website [31089 <https://www.whatdotheyknow.com/request/d...>]) make it clear that each request is stored in its own folder. With this in mind, it appears clear that you either hold the clarification request, or none was sent.

As I previously mentioned, WhatDoTheyKnow hold various references to the MQT and PIN Notices. I made a request for any specific ones you hold.

Some examples of the PIN / MQT notices I request are in relation to Surinder Singh - specifically the ones attached to the centre of life guidance.

It appears clear that this guidance would have been sent between December 2013 and Feb 2014.

For clarification of the types of documents (and therefore stored information) are ones with a layout such as the following two extracts (copied from a previous freedom of information release on What Do They Know in relation to a Certificate of Application - 26321

<https://www.whatdotheyknow.com/request/c...>

If further clarification on the information I am requesting is required, please do not hesitate to be more specific with your request, despite the fact that I feel my request has been more than specific for the purposes of the Freedom of Information Act – and with such narrow search parameters cannot be considered to be a "Fishing Expedition".

I also note that PIN (Policy Information Notices?) are referenced in various other requests on What Do They Know (such as:

<https://www.whatdotheyknow.com/request/r...>)

Yours sincerely,

Sukwant Singh

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)

Annex D: Response of 17 June 2014

Sukwant Singh
request-192568-cc610363@whatdotheyknow.com

17 June 2014
Our Reference: 31711

Dear Sukwant Singh

Thank you for your email of 15 May, in which you ask for any specific PIN/MQT notices that the European directorate may hold. Your request has been handled as a request for information under the Freedom of Information Act 2000.

You have requested the following information;

As I previously mentioned, WhatDoTheyKnow hold various references to the MQT and PIN Notices. I made a request for any specific ones you hold.

Some examples of the PIN / MQT notices I request are in relation to Surinder Singh - specifically the ones attached to the centre of life guidance.

It appears clear that this guidance would have been sent between December 2013 and Feb 2014.

For clarification of the types of documents (and therefore stored information) are ones with a layout such as the following two extracts (copied from a previous freedom of information release on What Do They Know in relation to a Certificate of Application - 26321

https://www.whatdotheyknow.com/request/certificate_of_application_5#incoming-390043)

Under section 12(1) of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the designated cost limit. We believe that to provide the information you are seeking would breach this cost limit and as such we are unable to supply it to you.

We are only able to report on data that is captured in certain mandatory fields on the Case Information Database (CID). All of the questions posed above are not recorded in a reportable format. Consequently, in order to provide the requested information, we would need to undertake a manual case by case search of records.

The Home Office is not obliged to comply with any information request where the prescribed cost of supplying you with the information exceeds £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3½ days work per request. Prescribed costs include those which cover the cost of locating and retrieving information, and preparing our response to you. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

In keeping with the Freedom of Information Act, we assume that all information can be released to the public unless it is exempt. In line with normal practice we are therefore releasing the information which you requested via the Home Office website.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

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 number 31711. 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: 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.

We also value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you”:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

Yours sincerely

Cliff Walls
North West Responder Hub

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)
Annex E: Request for an internal review

Sent: 17 June 2014 15:07

To: FOI Requests

Subject: 31711 / Internal review of Freedom of Information request - Centre of life guidance for Surinder Singh

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 'Centre of life guidance for Surinder Singh'.

As you have cited an unreasonable exemption of Section 12(1), referring to a case by case search. Please can you outline what cases would be required. How many MQT or PIN or Communication Notices are produced by the Home Office to constitute over 24 hours of work.

Which of my questions did you deem to require a search of CID? I did not request release any information from CID. Only MQT or PIN or Communication notices issued between December 2013 and February 2014 which relate to the Surinder Singh Route.

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

Yours faithfully,

Sukwant Singh

Freedom of information (internal review) from Mr Sukwant Singh (Ref 31711)
Annex G

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

S. Khanom
Information Access Team