



Home Office

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Andrew Chandler

By email: [request-297549-  
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4 November 2015

Dear Mr Chandler,

REF: FOI 37144

Thank you for your email dated 19 October 2015 regarding Dover immigration removal centre (IRC). Your request has been handled as a request under the Freedom of Information Act 2000. You have asked the following:

*“Could I please have a copy of the report/review that was carried out that lead to the home office handing Dover immigration removal centre back to the ministry of justice on 15th October 2015”*

I can confirm that the Home Office holds the information that you have requested. However, after careful consideration we have decided that the information is exempt from disclosure under section 35(1)(a) of the Freedom of Information Act.

Section 35(1)(a) provides exemption for information relating to the formulation or development of Government policy. The information that you have requested falls within the scope of this exemption.

Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion are set out in the attached Annex.

We do, however, keep our detention estate under constant review, considering future requirements including capacity and location. Dover is a former National Offender Management Service (NOMS) site and not a purpose built IRC. Returning older establishments such as Dover and Haslar back to NOMS is in line with our objectives to create an estate of modern, secure centres.

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 37144. 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  
4 Floor, Peel Building  
2 Marsham Street  
London SW1P 4DF  
E-mail: [info.access@homeoffice.gsi.gov.uk](mailto: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

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## Annex A

### Section 35(1)(a) – Formulation of Government Policy

#### Public Interest Test

##### Considerations in favour of disclosing the information

The use of this exemption requires us to consider whether in all the circumstances of the case the public interest in maintaining the exemption stated above outweighs the public interest in disclosing the information. There are public interest considerations for disclosing policy considerations in order to increase transparency of government decision making and provide greater accountability. Disclosure may also promote understanding of how the rules on this matter are formulated and the rationale behind them as well as increase the trust between the Home Office and the public.

##### Considerations in favour of withholding the information

However, in this instance there are also specific considerations in favour of maintaining the exemption in order to protect the Government policy formulation process. Good government depends on good decision making and this needs to be based on the best advice available and on full consideration of all the options. The advice obtained during the formulation of this policy is broad ranging and disclosure may be a deterrent on those officials providing their views and advice if it might be disclosed. In addition, Ministers and officials need to be free to conduct rigorous and candid assessments of their policies and programmes including the advantages and disadvantages of any available options. The disclosure of documents revealing such assessments might undermine the frank exchange of departmental views and therefore undermine collective decision making.

We have considered whether in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing all the information you have requested. We have concluded that the balance of the public interests identified lies in favour of maintaining the exemption as there is a greater overall public interest in ensuring that officials and Ministers have the space to develop policy and consider all possible options.