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Amit Hidri
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16 December 2014

Dear Mr Hidri,

Reference number: 32195 – internal review

Thank you for your e-mails of 29 and 30 July in which you asked for an internal review of the response to your Freedom of Information (FOI) request. Your request asked for information concerning family permit biometrics.

I have now completed the review and have assessed the substance of the response provided to you. I can confirm that I was not involved in the initial handling of your request.

This review is based on the relevant points raised in your internal review requests. Firstly in regards to Part 2 of your original FOI request, your email of 29 July states;

“Are you sure that my request does not fall within the freedom of information act? I am certain that my request does in fact fall within the FOI Act. You hold relevant laws. This information would therefore fall within my request.”

I have contacted the responding unit who confirmed to me that they took this part of your request as asking for an explanation as to how HM Government interprets and applies European laws and Directives into UK national law, and not a record *per se* of any relevant laws that are held – in other words it was considered that your request was **not** for specific, recorded information which would be covered under the Freedom of Information Act (FOIA) 2000; therefore I am satisfied that the responding unit was correct to answer this part of your request outside of the FOIA.

If you wish, it is open to you to submit any new request for specific information concerning EU laws/directives that the department may hold. However, EU directives and laws are published and would therefore be exempt from disclosure by virtue of section 21 of the FOIA as they are already accessible to you.

Regard has been had to your further comments regarding the use of fingerprinting, but these comments are considered to be a particular interpretation on a directive, and consequently it would be outside the scope of this internal review for me to comment.

The second part of your internal review request is contained within your email of 30 July, and refers to Part 1 of your original FOI request; the relevant part being as follows:

“Having examined you response on a computer at work. It is clear that only two sections of the communication were provided. Two separate sections.

My request was for the communications in full.

Please therefore add this to my list for internal review.”

I have considered the points you have raised and I have had sight of the full communications. I have found that the responding unit did not fully appreciate the wording of your request; they provided the information which they thought was relevant to the substance of your request, and not the full copies of the communications as was requested.

Aside from 2 minor redactions, copies of both communications accompany this response. You should note that these redactions relate to personal contact details and have been withheld under Section 40(2) – Personal Information of the FOIA.

Finally, I wish to refer you back to the penultimate paragraph of your email of 29 July, where you made the following request;

“...all guidance issued in reference to processing an EEA Family Permit application, where the non-EU family member of an EEA National has refused to supply biometric data.”

We have decided to handle this particular request separately, as a brand new FOI, with the following reference **CR33473**. I understand that a response to this request was sent to you on 10 December.

In conclusion, and having had regard to your considerations, I am of the view that the responding unit correctly answered part of your request outside of FOI legislation, but did not provide the full communication as requested; whilst your additional question has now been responded to as a new FOI request: this now completes the internal review.

Yours sincerely

R Taylor
Information Access Team

E-mail info.access@homeoffice.gsi.gov.uk

Annex - Further complaint procedure

This completes the internal review process by the Home Office. 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