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Gerrard Tracey
Principal Adviser
Information Commissioner's Office
By email only:
Gerrard.Tracey@ico.gsi.gov.uk

24 February 2017

Dear Gerrard,

RE: Compliance with section 10 Freedom of Information Act (FOIA) and regulation 5 Environmental Information Regulations (EIR)

Further to your letter of 2 February, as requested I am writing with details of our performance with respect to the FOIA and EIRs.

You asked about the number of initial requests and internal reviews that are over the 40 working day deadline. As of 24 February these were:

- initial requests: 236 (117 are PIT cases)
- internal reviews: 57

Whilst this is an increase since 30 September in initial requests (151) and internal reviews (47), we have cleared around 50 of the oldest initial request cases identified in last year's return to you. Nevertheless this is disappointing and we recognize that we need to improve.

As set out in [REDACTED] letter last year we receive a high volume of requests (up around 5% in 2016 compared to 2015, with that year's total 10% greater than in 2014) on highly sensitive subjects which can take time for judgements to be made about them. Private Office scrutiny of such requests is high and there is a desire to ensure the most accurate and helpful response is provided to the requester in line with our section 16 obligations.

To assist with this, we have made additional changes to improve further our procedures for informing ministers of planned responses and my team is now performing a quality assurance role to limit the number of subsequent queries arising from Private Office, which

can delay responses. We have also improved our reporting of out of time cases to focus attention on what needs to be done to progress them.

We are also still struggling with the increase in requests for historical files which, due the volume of material they contain and the need to consult widely on these, we find challenging to process within the statutory deadlines. Any advice you can offer for dealing with such time-consuming requests would be gratefully received.

More positively, after a poor Q3 2016 in-time FOI performance, Q4 has improved. October's performance was 82% (342 requests), November's 86% (320 requests) and December's 90% (256 requests). Q4 performance was therefore 86% and we calculate that 2016 performance overall will be at this level. 2017 has also started well and we expect at least 85% of the 353 requests received in January to be answered in time.

This improvement in performance largely reflects the better governance that we have put in place; monthly Senior Civil Service level FOI performance review meetings, closer monitoring of the reasons why cases are late and interventions by the Permanent Secretary with Director Generals asking them to ensure FOI receives the priority required in their areas.

I would be happy to discuss this further as necessary.

Yours sincerely,

Simon Marsh
Head Knowledge and Information Management

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