



Home Office

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Pat James
[request-302493-
51469a8d@whatdotheyknow.com](mailto:request-302493-51469a8d@whatdotheyknow.com)

26 November 2015

Dear Pat James

Freedom of Information request: reference 37489

Thank you for your e-mail of 14 November 2015, in which you ask for the number of freedom of information requests the Home Office, has failed to respond to within the legislated period of 20 working days since 1 January 2015. Your request has been handled as a request for information under the Freedom of Information Act 2000.

We believe that some of the information you have requested is already reasonably accessible to you. It can be found **on the Ministry of Justice website at these links –**

January to March 2015

<https://www.gov.uk/government/statistics/freedom-of-information-statistics-january-to-march-2015>

April to June 2015

<https://www.gov.uk/government/statistics/freedom-of-information-statistics-april-to-june-2015>

The data you are looking for can be found on the tables document on the tab “Timeliness table (A3)” at each of the links

Section 21 of the Freedom of Information Act exempts the Home Office from having to provide you with this information, because it is already reasonably accessible to you. If you have any difficulties in accessing this information at the source which I have indicated, please contact me again.

I can also confirm that the Home Office holds the remaining information that you have requested. However, after careful consideration we have decided that the information is exempt from disclosure under section 22(1) of the Freedom of Information Act. This provides that information can be withheld where the information is intended for future

publication and the public interest falls in favour of maintaining the exemption. The data for the remaining quarters will be published over the next six months.

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

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 **37489**. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Rights Team
Home Office
Fourth Floor, Peel Building
2 Marsham Street
London SW1P 4DF
e-mail: foirequests@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

Martin Riddle
Information Rights Team

Switchboard 020 7035 4848
E-mail FOIRequests@homeoffice.gsi.gov.uk

Annex A

Freedom of Information request from Pat James (reference 37489)

Request

Dear Home Office, since 01/01/2015 how many Freedom of Information requests have you failed to respond to within the legislated period of 20 working days.

Response

Some of the information is already available to you. Section 21 is engaged and links have been provided to the information in the main body of the letter attached. The remaining information is exempt from disclosure under section 22(1) of the FOI Act. Section 22(1) provides that information can be exempt from disclosure if it is intended for future publication.

Public interest test in relation to section 22(1)

Some of the exemptions in the FOI Act, referred to as 'qualified exemptions', are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in maintaining the exemption. We must carry out a PIT where we are considering using any of the qualified exemptions in response to a request for information.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. Transparency and the 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

Considerations in favour of disclosing the information

We acknowledge that the requested information on the Home Office's Freedom of Information performance is a topic of legitimate public interest. Any information released will aid the public's understanding in how effective the Home Office is at meeting its performance requirements under the Act.

Considerations in favour maintaining the exemption

There is a strong public interest in permitting the government to publish this information in a manner and form of its own choosing, which would be undermined by immediate disclosure.

Disclosure in advance of publication would also undermine the government's established pre-publication procedures, including checking the accuracy of the information and being able to use staff resources effectively in a planned way so that reasonable publication timetables are not affected.

We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information.