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xxx Deacon

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13 February 2013

Dear xxx Deacon

Freedom of Information request (our ref. 24872): internal review

Thank you for your e-mail of 12 February 2013, in which you asked for an internal review of our response to your Freedom of Information (Fol) request about offences relating to Armed Forces and residence applications. In your earlier e-mail of 17 January you stated that you did not wish to apply for an internal review, but wished to receive an answer to your initial request for UKBA to provide any correspondence or minutes of meetings with the MOD. This request of 17 January relates to your e-mail of 1 November 2012 in which you clarified the information that you wished to receive. Specifically the part of your request which has not been answered is:

“Can I request any correspondence, minutes, marginal notes etc on what is being considered by UKBA the Home Office and the MOD?”

I have consulted the policy unit which provided the original response and have established that some information relevant to your request is held by the Home Office. I will examine the information. However, as it relates to the formulation and development of policy it is likely that the exemption at section 35 will apply. Section 35(1)(a) of the Act provides that:

*‘Information held by a government department is exempt information if it relates to –
(a) the formulation or development of government policy.’*

Section 35 is a qualified exemption and requires us to carry out a public interest test. This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information.

The late response that was sent to you on 9 January did not answer this part of your request, it did not confirm that information relevant to your request was held, or say that an exemption may apply. I apologise for this.

In addition I apologise for the delay in sending the original response to you, the response was drafted, but due to an oversight not sent until 9 January 2013.

I will write to you again by Wednesday 27 February.

If you remain dissatisfied following my response 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

Yours sincerely

J Millar
Information Access Team

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