



Home Office

Shared Services  
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(switchboard)

[www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

BritCits  
[request-222363-3555799e@whatdotheyknow.com](#)

Dear Britcits

**Freedom of Information request (our ref:32456): internal review**

Thank you for your e-mail of 2014, in which you asked for an internal review of our response to your Freedom of Information (Fol) request about Freedom of Information policy.

I have now completed the review. I have examined all the relevant papers, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed. I confirm that I was not involved in the initial handling of your request.

My findings are set out in the attached report. My conclusion is that the response correctly cited section 12- cost, but should have provided more advice and assistance. For further details see paragraphs 10-14.

Yours sincerely

**D Pottinger**  
**Information Access Team**

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Britcits (reference 32456)

**Responding Unit: Information Management Services (IMS)**

**Chronology**

Original Fol request:	29 July 2014
IMS response:	18 August 2014
Request for internal review:	18 August 2014

**Subject of request**

1. The request asked for information relating to Home Office policy on handling FOI requests. For the full text of the request see **Annex A**.

**The response by IMS**

2. The response informed 'Britcits' that it was unable to process the request within the cost limit – section 12. For the full text of the response see **Annex B**.

**The request for an internal review**

3. The internal review request questioned the use of the cost exemption on the grounds that staff processing FOI requests should have easy access to policy and guidance documents. For the full text of the internal review request see **Annex C**.

**Procedural issues**

4. The Home Office received Britcits' request via email on 29 July 2014.
5. On 18 August 2014 the Home Office provided 'Britcits' with a substantive response, which represents 14 working days after the initial request. Therefore, the Home Office complied with section 10(1) by providing a response within the statutory deadline of 20 working days.
6. The response confirmed that information was held relating to the request, and stated that it was unable to locate it without exceeding the cost limit – section 12. The relevant part of the Act was cited, and an explanation of why the cost limit was exceeded was provided, as required by section 17(7)(c) of the Act.
7. Section 16 was complied with, as IMS explained how the request could be refined so that it could be answered within the cost limit.
8. 'Britcits' was informed in writing of his right to request an independent internal review of the handling of his request, as required by section 17(7)(a) of the Act.
9. The response also informed 'Britcits' of his right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

## **Consideration of the response**

10. The response stated that it would not be possible to answer the question without exceeding the cost limit, and cited section 12(2). This suggested that it was not possible to ascertain whether any relevant information was held without exceeding the cost limit. The response should have cited section 12(1).

## **Advice and assistance**

11. The response provided advice and assistance on how the request could be refined, so that it could be answered within the cost limit. It suggested, for instance, that such broad terms as “all memos, guidance, emails, documents, minutes from meetings and ANY other form of communication which relate to the policy” should be avoided, and a more specific request submitted.
12. ‘Britcits’ stated that he could not understand why it would take more than 24 hours to locate Home Office guidance on Freedom of Information, as staff would need easy access to it. As noted above, the request asked for ‘any form of communication which relates to the policy’, which is much broader. This is why it was not possible to provide an answer within the cost limit.
13. However, some relevant information is already available to the public. On 8 May 2014, the Home Office answered a request for information about FOI processes, policy and guidance. This can be accessed on the whatdotheyknow website at: [https://www.whatdotheyknow.com/request/departmental\\_foi\\_guidance\\_18#incoming-514311](https://www.whatdotheyknow.com/request/departmental_foi_guidance_18#incoming-514311)
14. Once ‘Britcits’ has reviewed the information already available, he can submit a refined, specific request for any further information he requires. The Information Commissioner’s Office offer advice and assistance on how to submit an FOI request. It can be accessed via the following link: [http://ico.org.uk/for\\_the\\_public/official\\_information](http://ico.org.uk/for_the_public/official_information)

## **Conclusion**

15. The response was sent within 20 working days; consequently the Home Office complied with section 10(1) of the FOI Act.
16. Section 1(1)(a) was complied with, as the response clearly stated that information within the scope of the request was held.
17. Section 12 – cost was applied correctly, but 12(1) rather than 12(2) should have been cited.
18. Section 16 was complied with, as IMS explained how the request could be refined so that it could be answered within the cost limit, but more help could have been provided.
19. The response complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.

Information Access Team  
Home Office  
[Date]

## **Annex A – full text of request**

Dear Home Office,

Please take this as a request under the FOI Act to provide all memos, guidance, emails, documents, minutes from meetings and ANY other form of communication which relate to the policy adopted by the Home Office in response to Freedom of Information requests as well as on conducting internal reviews.

BritCits

### **Second message sent later the same day**

To clarify:

I am requesting under the FOI Act, information, be it in the format of: guidance, emails, documents, minutes from meetings, memos or any other form of communication, which relates to the policy adopted by the Home Office

- a) for how it responds to FOI requests, including the timescales and grades of the person handling it
- b) for how it conducts internal reviews including assigning the person to undertake it.

Please also confirm that where time delays occur what procedures Home Office has in place, if any, to combat the issue and ensure they do not continue to be in breach of the law for other such requests made under the FOI Act.

## **Annex B – full text of response letter**

Freedom of Information request – 32456

Thank you for your email of 29th July 2014, in which you requested all Home Office memos, guidance, emails, documents, minutes from meetings, and any other form of communication relating to the handling of Freedom of Information requests and internal reviews. Your request has been handled as a request for information under the Freedom of Information Act 2000.

Your full request can be found in Annex A.

Under section 12 of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit. We hold the information which you have requested but we have estimated that the cost of meeting your request would exceed the cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees Regulations 2004). We are therefore unable to comply with it. Your request has been refused under section 12(2) of the Act.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information and preparing the response can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

To comply with your request, all staff across the Home Office would be required to conduct a search of their records, to determine whether they hold any information in scope of your request. This is because each unit within the Home Office is involved with the handling of FOI requests and may hold information that falls in scope of your request.

This has been estimated to exceed the cost limit, defined in section 12(2) of the Act.

You may wish to refine your request, so that it falls within the cost limit. You could do this by identifying what specific recorded information you are interested in and specify a subject matter or timeframe for the information you are interested in. Please note, using broad terms such as “all memos, guidance, e-mails, documents and minutes from meetings” is likely to exceed the cost limit.

Please note that if you simply break your request down into a series of similar smaller requests, we might still decline to answer it if the total cost exceeds £600.

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 32456. 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 Ground Floor, Seacole 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

S.Snowsell  
Information Access Team  
Switchboard 020 7035 4848  
E-mail [FOIRequests@homeoffice.gsi.gov.uk](mailto:FOIRequests@homeoffice.gsi.gov.uk)

**Annex A to letter – Full request**

Dear Home Office,

Please take this as a request under the FOI Act to provide all memos, guidance, emails, documents, minutes from meetings and ANY other form of communication which relate to the policy adopted by the Home Office in response to Freedom of Information requests as well as on conducting internal reviews.

BritCits

## **Annex C – full text of IR request**

Dear Home Office,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Home Office's handling of my FOI request 'Freedom of Information requests and internal reviews'.

My request relates to HO policy which should be at hand - if it takes over 24 man hours to obtain this information, I am especially concerned as to how the overworked HO staff are able to undertake their duties in compliance with the law!

A full history of my FOI request and all correspondence is available on the Internet at this address: <https://www.whatdotheyknow.com/request/f...>

Yours faithfully,

BritCits



## **Annex D – complaints procedure**

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol 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