



Home Office

Corporate Services
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London SW1P 4DF

020 7035 4848
(switchboard)

www.homeoffice.gov.uk

Steve Elibank
[request-325084-3614b95f@whatdotheyknow.com](#)

1st September 2016

Freedom of Information request (our ref: 39114): internal review

Dear Mr Elibank,

Thank you for your e-mail of 26th April 2016, in which you ask for an internal review of our response to your Freedom of Information (Fol) request 39114. I apologise for the delay in you receiving the outcome.

In your request, you asked for *“all recorded information you hold regarding ICO case reference FS50611991”*. Your full request can be found in Annex A.

The Home Office refused to comply with your request under section 14(1) (vexatious) of the Act, as it was considered to lack serious purpose and value and would cause a disproportionate level of disruption. The full response can be found in Annex B.

In your request for an internal review, you stated the request did have serious purpose and value, as it would be providing transparency on the handling of a request for information. You stated the response was *“not compliant with section 17 of the Act”*, as it *“did not engage with the specific terms of the request”*. You also stated it was *“in breach of section 10”* of the Act to issue the response on the 20th working day. Your full request for an internal review can be found in Annex C.

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

I find the Home Office was correct to refuse to comply with your request under section 14(1) (vexatious) of the Act, for the reasons outlined in the response.

The application of section 14(1) (vexatious) of the Act is not subject to public interest considerations, as it is applied when complying with the request cannot be justified. Additionally, there is no obligation for a public authority to provide a further explanation on why it has reached the conclusion to refuse the request under this section of the Act.

However, to be helpful, you will be provided with a more detailed explanation as part of this review.

In line with this, the ICO decision notice (ref FS50611991) contains all relevant information about the handling of the request and it can be accessed on the ICO website. To provide “*all recorded information*” about this particular case in response to your request would give little or no additional information to what is already publically available. It would therefore not be reasonable to use staff resources in this way and to take their time away from complying with legitimate requests.

Section 10 of the Act states a public authority must comply with a request for information within 20 working days. I confirm the Home Office complied with this obligation, as your request was responded to on the 20th working day.

Section 17(5) of the Act states:

17. Refusal of request

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

I confirm the Home Office complied with section 17(5) of the Act, as you were issued a section 14(1) (vexatious) refusal notice.

To conclude, the Home Office appropriately refused to comply with your request under section 14(1) (vexatious) of the Act. The Home Office complied with the obligations in sections 10 and 17 of the Act, as the refusal notice was issued within the statutory 20 working day deadline.

Yours sincerely

L. Picton
Information Rights Team

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

Annex A – Initial request

Dear Home Office,

Please provide an electronic copy of all recorded information you hold regarding ICO case reference FS50611991, which concluded with a published decision notice critical of your FOI handling. The information you disclose will doubtless include your correspondence with the ICO.

Yours faithfully,

Steve Elibank

Annex B - Response

Dear Mr Elibank

Freedom of Information request: reference 39114

Thank you for your e-mail of 29 March 2016, in which you ask for *'an electronic copy of all recorded information you hold regarding ICO case reference FS50611991, which concluded with a published decision notice critical of your FOI handling.'*

Your request has been handled as a request for information under the Freedom of Information Act 2000.

We have considered your request and we believe it to be vexatious. Section 14(1) of the Act provides that the Home Office is not obliged to comply with a request for information of this nature. We consider that your request lacks serious purpose and value and would cause a disproportionate level of disruption if it were to be met it. We have objectively judged the evidence of the impact on the department and weighed this against any evidence of the purpose and value of the request.

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 39114. 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 Third 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,

S John
Information Rights Team

Annex C – Request for an internal review

Dear FOI Responses,

Please conduct an internal review of your refusal notice.

1. The request plainly has a serious purpose and value, namely transparency surrounding a finding by an independent regulator that the Home Office, an important government department responsible for law and order, had failed to comply with statutory obligations.
2. The refusal notice was boilerplate and did not engage with the specific terms of the request, and therefore is not compliant with section 17 of FOIA.
3. The response was sent on the 20th working day since the request. This was not "prompt" as required by the Act. It was a short, boilerplate response clearly copy-pasted from a departmental template. It did not take 20 working days to compile. The Home Office obviously deliberately waited until the last minute before responding so as to spin this whole matter out. This is in breach of section 10 of the FOIA.

I look forward to hearing from you within 20 working days.

Annex D

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