



Border Force

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Edward Williams

Email: [request-470273-8111507f@whatdotheyknow.com](mailto:request-470273-8111507f@whatdotheyknow.com)

Reference: 47714

Date: 13 April 2018

Dear Edward Williams

## **FREEDOM OF INFORMATION REQUEST**

Thank you for your e-mail of 13 March, in which you ask for information on the detention and deportation of named individuals. Your request has been handled as a request for information under the Freedom of Information Act 2000 (FOIA).

**According to a youtube video:**

**<https://www.youtube.com/watch?v=4glysfmgOC0>**

**Mr Martin Sellner and his partner claim that they were both ordered by Home Office staff not to use their telephones.**

**1. Please provide all regulations, circulars, guidance, and training manuals etc. which stipulate that those held at UK ports who are NOT under arrest cannot use their telephones.**

In relation to question one, we have interpreted your request as referring to those held at Short Term Holding Facilities (STHF) at port. Tascor, the service provider who run STHFs in the United Kingdom on behalf of the Home Office, have guidance around the use of telephones.

Section 5.5 in the 'Holding Room Standard Operating Procedure 02: Detainee Admission and Discharge Procedures' explains that detainees are allowed to make a phone call on arrival and those without the funds to make phone calls will be offered free calls for the duration they are held there. Section 4.3.4 in the 'Holding Room Standard Operating Procedure 03: Detainees' Care and Welfare in Holding Rooms' explains that detainees without the funds to make phone calls will be offered free calls for the duration they are held there.

Redacted copies of both the above documents are attached with this response at Annex A and Annex B.

The documents have been redacted and information has been withheld under Section 31(1) (f) of the Freedom of Information Act 2000. Arguments for and against disclosure in terms of the public interest, with the reasons for our conclusion set out in the following Annex.

**2. Provide all records showing why Mr Sellner and his partner Ms. Brittany Pettibone were denied access to the UK, including records which were in existence before their arrival in the UK.**

We neither confirm nor deny whether we hold the information that you have requested. Under section 40(5) of the FOIA, the duty to say whether or not we hold information does not arise if it relates to personal information.

Section 40 of the FOI Act is an absolute exemption which requires no public interest test argument.

**Conclusion**

We conclude that the balance of the public interest lies in neither confirming nor denying whether we hold the information. This response should not be taken as confirmation that the information you have requested is or is not held by the Home Office.

However 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 [foirequests@homeoffice.gsi.gov.uk](mailto:foirequests@homeoffice.gsi.gov.uk), quoting reference 47721. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be reassessed by staff who were not involved in providing you with this response. If you were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely

H Reid  
Border Force – Information Rights Team

**Section 31(1) (f) – operation of Law Enforcement – Maintenance of good order in prisons and other places of lawful detention.**

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 favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not. 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. The FOI Act is ‘applicant blind’. This means that we cannot, and do not, ask about the motives of anyone who asks for information. In providing a response to one person, we are expressing a willingness to provide the same response to anyone, including those who might represent a threat to the UK.

Public Interest TestConsiderations in favour of disclosing the information

There is a public interest in disclosing the information to you as it will increase the transparency of the work of Home Office. There is also a public interest in ensuring public confidence in the security of the United Kingdom’s immigration detention estate.

Considerations in favour of withholding the information

In this instance there are also specific considerations in favour of maintaining the exemption in order to ensure the integrity of the United Kingdom’s immigration detention estate. If we were to disclose this information it could substantially prejudice the operation of the Detention Estate. This is because disclosure may enable individuals to obtain information on the security procedures deployed during an escape which could compromise the integrity of the security at the facility. This is clearly not in the public interest.

We have concluded that the balance of the public interest identified lies in favour of maintaining the exemption as there is a greater overall public interest in ensuring that the Home Office is able to maintain the security of the United Kingdom’s immigration detention estate.