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Aditi

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February 2015

Dear Aditi

Freedom of Information request (our ref: 33698): internal review

Thank you for your e-mails of 5th January 2015 and 23rd January 2015, in which you asked for an internal review of our response to your Freedom of Information (Fol) request about Tier 2 Intra Company Transfers (ICT) on client contract for 2013 and 2014 and Tier 2 General statistics on Certificates of Sponsorship from April 2010 to November 2014.

Four internal review requests were received for this case, with two requests dealing with Tier 2 Intra Company Transfers (ICT) on client contract for 2013 and 2014 and the other two dealing with Tier 2 General Statistics on Certificates of Sponsorship from April 2010 to November 2014. The first three requests were received on the 5th January 2015 and the fourth was received on the 23rd January 2015.

You asked for all the internal review requests to be treated separately but as the original response was under one reference, the review has been carried out under the same single reference. Please note the Information Commissioner's Office advice on how to submit an FOI request states that the requester should not 'make assumptions about how the authority organises its information or tell them how to search for the information you want'. Please see the link below: <https://ico.org.uk/for-the-public/official-information/>

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 decision not to provide the information on grounds of cost was correct. For further explanation see paragraphs 11 to 19.

Yours sincerely

A. Wareham
Information Access Team

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Aditi (reference 33698)

Responding Unit: UK Visas and Immigration (UKVI) Chronology

Original Fol request: 3rd December 2014

UKVI response: 31st December 2014

Request for internal review: 5th January 2015

Subject of request

1. The request asked for information about Tier 2 Intra Company Transfers (ICT) on client contract and Tier 2 General Statistics on Certificates of Sponsorship. For the full text of the request see **Annex A**.

The response by UKVI

2. The response confirmed that the information was held but that it could not be provided due to cost limits. It stated that the information was not held in the format as requested and to provide the information would require a manual search and cross referencing of the relevant cases on the Immigration Database. For the full text of the response see **Annex B**.

The request for an internal review

3. Aditi requested a review of the response, stating that it would not take more than one hour to extract the information he had requested. For the full text of the request for an internal review see **Annex C**.

Procedural issues

4. The Home Office received six FOI requests from Aditi via email on 3rd December 2014.
5. On 31st December 2014 the Home Office provided Aditi with a substantive response, which represents 18 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 the information was held relating to the request, therefore, the response complied with Section 1(1)(a) of the FOI Act.
7. The relevant part of the Act was cited, and an explanation of why the cost limit exceeded was provided, as required by section 17(7)(c) of the Act.
8. The response did not explain how the request could be refined so that it could be answered within the cost limit, therefore it failed to comply with section 16 of the Act.

9. Aditi was informed in writing of his/her right to request an independent internal review of the handling of his/her request, as required by section 17(7)(a) of the Act.
10. The response also informed Aditi of his/her right of complaint to the Information Commissioner as set out in section 17(7)(b) of the Act.

Consideration of the response

11. The response began by stating that the request was for information on the Tier 2 Intra Company Transfers (ICT) and Tier 2 General Certificates of Sponsorship. It acknowledged that six separate requests were made and that all six were being treated as one, under one reference.
12. The response stated that the Home Office held the information but that it could not provide some of the information due to the cost limit threshold. Although, section 12 of the FOI Act applies the response did not state the specific part of the Act that applied. The response did however state that the cost of providing the information would exceed the amount specified under the Act and the Data Protection (Appropriate Limit and Fees) Regulations 2004. It explained why the cost limit was exceeded.
13. The response failed to explain how the request could be refined so that it could be answered within the cost limit.
14. The response clearly stated that it was withholding personal information on client addresses under section 40(2) of the FOI Act.
15. Consequently, I am satisfied that the response provided the correct argument in stating that the information could not be provided because of the cost element and withholding personal information under section 40(2).

Conclusion

16. The response was sent within 20 working days; consequently the Home Office complied with section 10(1) of the FOI Act.
17. Section 1(1)(a) was complied with, as the response clearly stated that the requested information was held.
18. The response complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.
19. The response made it clear that the Home Office does hold the information but that to provide it would require considerable work which would exceed the cost limit. Section 12 of the FOI Act - exemption where cost of compliance exceeds appropriate limit - is applicable in this case. The response made it clear that it was withholding personal information under section 40(2) of the FOI Act.

Information Access Team
Home Office
.....January 2015

Annex A – full text of requests

1. Data requested on Tier 2 ICT on Client Contract for Every company with COS issued >=5 per year. Period = Year 2013 and 2014

The Immigration sponsorship management system (SMS) captures the address where the person is supposed to be working. If the person is on client contract, ideally the address should point the client address.

Request:

Please share the client address free text fields (if not stored in Address Line 1, Line 2, Town/ City, Postal Code) for every company with Tier 2 ICT on Client Contract.

The data is required is similar format to earlier published report on ICT data (Link below) <https://www.gov.uk/government/publications/tier-2-certificates-of-sponsorship-used-by-tata-consultancy-services> on 18 July 2014 FOI release Home Office

Data is split by below for every company per year

- a) Tier 2 Intra Company Transfers (ICT)
 - b) Tier 2 (ICT) - CoS used by Nationality
 - c) Tier 2 (ICT) - CoS used by Gender
 - d) Tier 2 (ICT) - CoS used by Job Title
 - e) Tier 2 (ICT) - CoS used by Salary
 - f) Tier 2 (ICT) - CoS used by SOC Code
 - g) On Contract - Client Address (Free Text field).
- Where On Client Contract = "Yes"

Data Extraction should be a very simple using a SQL query

2. Please share data for all Companies with Great Than or Equal to (>=) 1 Tier 2 General COS Issued per year. Period = 6 April 2010 - 30 Nov 2014 for years 2010 to 2014

The data is required is similar format to earlier published report on ICT data (Link below) <https://www.gov.uk/government/publications/tier-2-certificates-of-sponsorship-used-by-tata-consultancy-services> on 18 July 2014 FOI release Home Office

Data is split for every company per year on

- a) Tier 2 (General) - CoS issued No#
- b) Tier 2 (General) - CoS used by Nationality
- c) Tier 2 (General) - CoS used by Gender
- d) Tier 2 (General) - CoS used by Job Title
- e) Tier 2 (General) - CoS used by Salary
- f) Tier 2 (General) - CoS used by SOC Code
- g) On Client Contract and Not on Client Contract

3. Please share data for all Companies with Tier 2 ICT COS extended (extension within Country). Period = 01 Jan 2013 to 30 Nov 2014 by Month i.e. Jan 2013, Feb 2013 to Nov 2014 (Year on Year and Month on Month)

The data is required is similar format to earlier published report (Link below)
<https://www.gov.uk/government/publications/tier-2-certificates-of-sponsorship-used-by-tata-consultancy-services> on 18 July 2014 FOI release Home Office

Data is split by below for the Extension within Country for all companies per year

- a) Tier 2 Intra Company Transfers (ICT)
- b) Tier 2 (ICT) - CoS used by Nationality
- c) Tier 2 (ICT) - CoS used by Gender
- d) Tier 2 (ICT) - CoS used by Job Title
- e) Tier 2 (ICT) - CoS used by Salary
- f) Tier 2 (ICT) - CoS used by SOC Code

4. Please do provide the data Year on Year i.e. split by different years to make sense out of the data.

Year 2010

Year 2011

Year 2012

Year 2013

Year 2014

5. Please share data for all Companies with Great Than or Equal to (\geq) 1 COS Issued per year. Period = 6 April 2010 - 30 Nov 2014; Data to be shared on yearly basis i.e. 2010, 2011, 2012, 2013, 2014.

The data is required is similar format to earlier published report for ICT (Link below)
<https://www.gov.uk/government/publications/tier-2-certificates-of-sponsorship-used-by-tata-consultancy-services> on 18 July 2014 FOI release Home Office

Data is split into columns for every company.

- a) Tier 2 General No# by Year
- b) Tier 2 (General) - CoS used by Nationality
- c) Tier 2 (General) - CoS used by Gender
- d) Tier 2 (General) - CoS used by Job Title
- e) Tier 2 (General) - CoS used by Salary
- f) Tier 2 (General) - CoS used by SOC Code

Additional please add column for (i) on Client Contract (ii) Not on Client Contract

6. Please share data for all Companies with Great Than or Equal to (\geq) 5 COS Issued per year. Period = 6 April 2010 - 30 Nov 2014

The data is required is similar format to earlier published report (Link below)
<https://www.gov.uk/government/publications/tier-2-certificates-of-sponsorship-used-by-tata-consultancy-services> on 18 July 2014 FOI release Home Office

Data is split by

- a) Tier 2 Intra Company Transfers (ICT)
- b) Tier 2 (ICT) - CoS used by Nationality
- c) Tier 2 (ICT) - CoS used by Gender
- d) Tier 2 (ICT) - CoS used by Job Title

- e) Tier 2 (ICT) - CoS used by Salary
- f) Tier 2 (ICT) - CoS used by SOC Code

Additionally please add another column for (i) on Client Contract (ii) Not on Client Contract in the MIS Report

Annex B – full text of the response letter

Dear Aditi

Thank you for your enquiry of 3 December in which you requested information about Tier 2 Intra Company Transfers (ICT) and Tier 2 General (Gen) Certificates of Sponsorship under the points-based system. This has been dealt with as a request for information under the Freedom of Information Act (FOIA) 2000.

You submitted six separate requests for information which we have treated under one reference number.

We hold some information of interest to you 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. The source information we hold on Tier 2 ICT Certificate of Sponsorship (COS) Leave to Remain extensions is not available in a reportable format. To obtain this information would require a manual search and cross-referencing of all relevant cases on the Case Immigration Database which exceeds the cost limit.

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. If you refine your request, so that it is more likely to fall under the cost limit, we will consider it again. 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.

I am also unable to provide you with information on client addresses. It is the general policy of UK Visas & Immigration (UKVI) not to disclose to a third party, personal information about another person. This is because the UKVI has obligations under the Data Protection Act and in law generally to protect this information.

Your request for personal information has been considered under the FOIA in line with our obligations as part of the Home Office. However, it has been concluded that the information you have requested is exempt under Section 40(2) of the Act. Section 40(2) of the Freedom of Information Act provides that information will be exempt from disclosure if disclosure would breach any of the Data Protection principles. We have concluded that the information you have requested would breach the first Data Protection principle and therefore we cannot supply the information you have requested.

I hope this is of help to you. 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 33698. 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 3rd Floor, Peel Building
2 Marsham Street
London SW1P 4DF
e-mail: 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 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

Daniela Walker

We value your feedback, please use the link below to access a brief anonymous survey to help us improve our service to you:

<http://www.homeofficesurveys.homeoffice.gov.uk/s/108105TAZNG>

Annex C – internal review requests

Request on 23rd January 2015

- I am writing to request an internal review of Home Office's handling of my FOI request 'Tier 2 General Statistics - April 2010 to Nov 2014'.

This is a pretty SQL simple query on Oracle DB having SMS - Sponsor Management System. Each query can't take more than 1 hour for an average SQL

Requests on 5th January 2015

- I am writing to request an internal review of Home Office's handling of my FOI request 'Tier 2 General Statistics - April 2010 to Nov 2014'.

Please treat this request as a separate one and don't club with other request (all of them are different). The data being asked for is a straight dump from the SMS systems without any customization. I don't understand the reason on why it should take more than 1 hour to extract readily available data in Database (matter of simple SQL Query), provided Home Office had good SQL Developers. This can't take more than 1 hour even @ 100 GBP Per Hour.

- I am writing to request an internal review of Home Office's handling of my FOI request 'Tier 2 ICT - On Client Contract for Year 2013 and 2014'.

Please treat this request as a separate one and don't club with other request (all of them are different). The data being asked for is a straight dump from the SMS systems without any customization. I don't understand the reason on why it should take more than 1 hour to extract readily available data in Database (matter of simple SQL Query), provided Home Office had good SQL Developers. This can't take more than 1 hour even @ 100 GBP Per Hour.

- I am writing to request an internal review of Home Office's handling of my FOI request 'Tier 2 ICT - On Client Contract for Year 2013 and 2014'.

The effort needed is plain 1 hour by querying the SMS Database. It can't take more than good SQL skills on Oracle Database. Can you kindly review?

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