



Home Office

Shared Services  
Directorate  
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London SW1P 4DF

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(switchboard)

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

Mr Wayne Pearsall  
Via e-mail to request-158123-  
8a0375bd@whatdotheyknow.com

04 October 2013

Dear Mr Pearsall,

**Freedom of Information request (our ref: 27210): internal review**

Thank you for your e-mail of 05 June 2013, in which you asked for an internal review of our response to your Freedom of Information (FoI) request regarding the UKBA Newsletter

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 and assessed the reasons why information was withheld from you. 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 Home Office were correct in exempting the requested information, however the response did not clearly state which section of the FOI Act was used.

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

Yours sincerely

Andy Woodgate

**Information Access Team**

Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Mr Wayne Pearsall (reference 27210)

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

### **Chronology**

Original Fol request: 17 April 2013

IMS response: 05 June 2013

Request for internal review: 05 June 2013

### **Subject of request**

1. On 17 April 2013 Mr Pearsall requested:

*Further to finding:*

*<http://www.ukba.homeoffice.gov.uk/siteco...>*

*Can you please provide me with a copy of the last three issues of this news. Along with the next issue of this news letter if one is ready to be issued.*

*I also understand that it may be a different titled document, due to the recent changes of the UKBA structure...*

*i refer to a news letter (as you might expect) in relation to the immigration and visa service AND the enforcement sections... if new different news letters are issued.*

The full text of Mr Pearsall's request can be found at annex A.

### **The response by the Home Office**

2. On 05 June 2013 the Home Office replied stating that no further issues of this newsletter had been issued since the January 2013 issue. The response also stated that no replacement newsletter, following the restructure of the UKBA (i.e. the UKBA transition back into the Home Office), has been implemented.
3. The Home Office response stated that the last three issues of the newsletter are already available to the applicant.
4. The full text of the Home Office response can be found at annex B

### **The request for an internal review**

5. On 05 June 2013 Mr Pearsall requested an Internal Review stating

*I am writing to request an internal review of UK Border Agency's handling of my FOI request 'UKBA internal news letter...'.*

*further to my mail of 27th may in which I request an internal review for the late response, add to that section 50 requires you to provide ico contact details...*

*Also, I believe the response withholds information which is clearly I'm scope. If the information which was provided in an existing document under a different name, this would be in scope. If not, then please answer this question: how do you keep partners updated now. I find it unbelievable that communications of this sort would simply cease.*

## **Procedural issues**

6. The Home Office received Mr Pearsall's request on 17 April 2013 via email.
7. On 05 June the Home Office provided Mr Pearsall with a substantive response, which represents 33 working days after the initial request. Therefore, the Home Office failed to comply with section 10(1) by providing a response within the statutory deadline of 20 working days.
8. The response did not confirm that information was held relating to the request, and it did not cite the relevant part of the Act to withhold it.
9. Mr Pearsall 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.
10. The response also informed Mr Pearsall of his right of complaint to the Information Commissioner, as set out in section 17(7)(b) of the Act.

## **Date of the Internal Review**

11. Mr Pearsall submitted an Internal Review on 27 May 2013 for the length of time the Home Office took to respond to his FOI request. This appears to have gone unanswered; however a substantial response to the request was sent on 05 June 2013.
12. On 05 June 2013 Mr Pearsall submitted another request and stated that in addition to his time of compliance review he would also like an Internal Review of the substantive response as Mr Pearsall believed that there could be newsletters under a new name and these would fall in scope of his request.
13. Unfortunately the internal review submitted on the 05 June 2013 was mistaken for a continuation of the time of compliance review and was not processed accordingly. There has therefore been a delay in responding to him.

## **Application of Section 21**

14. The Home Office response stated that information was already available to the applicant and that the last three issues were available via the link provided to Mr Pearsall. However, the response did not cite any section of the FOI Act to exempt this material. It should have cited section 21 (information accessible to applicant by other means).
15. The response went on to state that there have been no further issues since January 2013, nor has the newsletter been re-launched under a different name.
16. I have confirmed with the relevant unit that as of September 2013, the last three issues of the newsletter are:-
  - Issue 17 – January 2013
  - Issue 16 – November 2013
  - Issue 15 – September 2013

All of which are still available on the UKBA website.

17. Therefore to answer Mr Pearsall's request of providing '*a copy of the last three issues*' the Home Office were correct in stating that the information requested was already available to the applicant.
18. Information is exempt from disclosure if it is reasonably accessible to the applicant under section 21(1). The Home Office should have quoted this part of the Act when responding to Mr Pearsall.

### **Provision of Replacement newsletter**

19. On 05 June 2013 Mr Pearsall asked a further question, regarding how the Home Office/UKBA updates their partners since the last newsletter on January 2013.
20. The Home Office engages with its partners using a number of different methods for example via the Home Office/UKBA website, meetings, etc. However, the newsletter is not being produced at this time.

### **Conclusion**

21. The response was not sent within 20 working days; consequently the Home Office was in breach of section 10(1) of the FOI Act.
22. Section 1(1)(a) was not complied with, as the response did not specifically state that the requested information was held.
23. The Home Office was correct in stating the information is already available to the applicant, however the response did not cite an exemption for the withheld information. Section 21(1) of the FOIA is engaged and should have been cited in the response.

24. The response complied with the requirements in section 17(7)(a) and 17(7)(b) as it provided details of the complaints procedure.

Andy Woodgate

**Information Access Team**

**Home Office**

## **Annex A – full text of Mr Pearsall's request**

Dear UK Border Agency,

Further to finding:

<http://www.ukba.homeoffice.gov.uk/siteco...>

Can you please provide me with a copy of the last three issues of this news. Along with the next issue of this news letter if one is ready to be issued.

I also understand that it may be a different titled document, due to the recent changes of the UKBA structure...

i refer to a news letter (as you might expect) in relation to the immigration and visa service AND the enforcement sections... if new different news letters are issued.

Thanks and

Yours faithfully,

Wayne Pearsall

## **Annex B – full text of Home Office response**

Dear Mr Pearsall

Thank you for your request of 17 April 2013, in which you ask for copies of the last three issues of ukba-news. Along with the next issue of this news letter if one is ready to be issued. Your request has been handled as a request for information under the Freedom of Information Act 2000.

We believe that the information you have requested is already reasonably accessible to you. It can be found on our website at [www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/ukba-news](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/ukba-news). There have been no further issues of this newsletter, or renamed replacements following the agency's restructure, since the most recent in January 2013.

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 27210. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response. I am happy to talk to you about our response if you wish to contact me at the telephone number given above.

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