

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date: 31 May 2011

**Public Authority:** Home Office  
**Address:** 2 Marsham Street  
London  
SW1P 4DF

### Summary

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The complainant made a request to the Home Office for copies of contracts and agreements relating to funding given to the Association of Chief Police Officers ('ACPO'). The complainant asked the Home Office to work up to the 'appropriate limit' when complying with the request. The Home Office complied with the request but provided some of the requested information outside of the time for compliance of twenty working days. The Commissioner's decision is that the Home Office breached section 10(1) of the Act in its handling of the request.

### The Commissioner's Role

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1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

### The Request

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2. On 21 October 2009 the complainant made the following request for information to the Home Office:

["http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090721/corrtxt/90721c0001.htm#column\\_10MC"](http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090721/corrtxt/90721c0001.htm#column_10MC) lists the funding given to ACPO from 2006-2009. For each of these entries, please supply a copy of any contracts or other agreements or documents detailing

precisely what the funding is for. If this would breach the cost limit, please supply this for as many of the entries as you can, starting from the first one and working down."

3. On 1 December 2009 the Home Office responded to the complainant and explained that it believed the request to provide as much information as possible within the 'appropriate limit' was an invalid request. This was because it believed the request was too broad and did not specifically identify which information the complainant was seeking to obtain. The Home Office cited section 1(3) of the Act and invited the complainant to clarify which information he was seeking or submit a new request.
4. On 1 December 2009 the complainant requested an internal review of the Home Office's response, particularly its view that the request was invalid.
5. On 22 January 2010 the Home Office provided an internal review response which disagreed with the initial response and concluded that the complainant's request was valid. The internal review also explained that the Home Office would comply with the request by working up to the 'appropriate limit' and providing a response within a further 20 working days of the date of the review.
6. On 14 April 2010 the Home Office wrote to the complainant and disclosed a series of information in response to the request. The Home Office explained that it had worked up to the 'appropriate limit' to locate and retrieve information relevant to the request, and that some third party data had been redacted because it was exempt under section 40(2) of the Act.
7. On 16 April 2010 the complainant contacted the Home Office and explained that the information contained some unexplained omissions. He also queried the number of contracts and agreements the Home Office had been able to disclose within the 'appropriate limit' of 24 hours. The complainant and the Home Office exchanged a series of further correspondence on these points.
8. Following this correspondence and the involvement of the Commissioner, the Home Office disclosed further information to the complainant on 3 and 6 December 2010. The Home Office explained that the disclosure of this information meant it had fully complied with the request.

## The Investigation

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### Scope of the case

9. On 16 May 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:
  - The information the Home Office had disclosed was partial and missing several pages;
  - Whether the Home Office had worked up to the 'appropriate limit' when complying with the request; and
  - The delays in the Home Office disclosing the information it accepted he was entitled to receive.
10. During the course of the Commissioner's investigation the Home Office provided the complainant with the information which was missing from its disclosure to him. The complainant also accepted that the Home Office had worked up to the 'appropriate limit' when complying with the request.
11. Therefore this Notice only addresses the complaint about the Home Office's delay in complying with the request.

### Chronology

12. Between 18 July and 6 December 2010 the Commissioner exchanged a series of correspondence with the Home Office. The majority of this correspondence related to the points of the complaint which were subsequently informally resolved and are not addressed in this Notice.
13. In correspondence with the Commissioner the Home Office explained that the omissions from the information initially provided to the complainant were a result of errors in the scanning process.

## Analysis

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### Procedural Requirements

#### Section 10(1) – time for compliance

14. In this Notice the Commissioner has only considered the delays that were experienced in this case.
15. Section 10(1) states that:  
  
‘Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt’.
16. The complainant made his request on 21 October 2009 and the Home Office did not provide him with all of the information he was entitled to receive until 6 December 2010. It is therefore clear that the Home Office failed to fully comply with the request within twenty working days.
17. In failing to comply with the request within twenty working days, the Home Office failed to comply with section 10(1) of the Act.

### The Decision

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18. The Commissioner’s decision is that the public authority did not deal with the request for information in accordance with the Act. It breached section 10(1) because it failed to comply with section 1(1)(b) within twenty working days.

### Steps Required

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19. The Commissioner requires no steps to be taken

### Other matters

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20. Although they do not form part of this Decision Notice the Commissioner wishes to highlight the following matters of concern.

In relation to the internal review:

Part VI of the section 45 Code of Practice (the "Code") makes it desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint.

Paragraph 44 of the Code states that "Where the outcome of a complaint is a decision that information should be disclosed which was previously withheld, the information in question should be disclosed as soon as practicable and the applicant should be informed how soon this will be." The Commissioner is concerned that, in this instance, there was a delay between the outcome of the Home Office's internal review being communicated and additional information being provided to the complainant. In future, the Commissioner expects that the authority's internal reviews will conform to the recommendations of the Code.

In relation to the general delays:

During the course of the Commissioner's investigation the Home Office identified further information falling within the scope of the request. Whilst further information has been disclosed the Commissioner wishes to record his concerns about the practice of 'piecemeal' disclosure.

Piecemeal disclosure describes request handling which has the effect of delaying, whether intentional or otherwise, an applicant's access to information falling within the scope of their request. The Commissioner would expect that in its future handling of requests, the Home Office will provide information in a manner which conforms to the letter and the spirit of the FOIA.

## Right of Appeal

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21. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
Arnhem House,  
31, Waterloo Way,  
LEICESTER,  
LE1 8DJ

Tel: 0845 600 0877

Fax: 0116 249 4253

Email: [informationtribunal@tribunals.gsi.gov.uk](mailto:informationtribunal@tribunals.gsi.gov.uk).

Website: [www.informationtribunal.gov.uk](http://www.informationtribunal.gov.uk)

If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

**Dated the 31<sup>st</sup> day of May 2011**

**Signed .....**

**Andrew White  
Group Manager, Complaints Resolution  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

## **Legal Annex**

### **General Right of Access**

#### **Section 1(1) provides that -**

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
- (b) if that is the case, to have that information communicated to him.”

### **Time for Compliance**

#### **Section 10(1) provides that –**

‘Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt’.