

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 5 August 2024

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

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-318116-D1P8, for a decision whether a request for information made by the complainant to the Home Office on 26 April 2024, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to the Home Office on 23 July 2024 setting a 5 working day deadline to provide a copy of the withheld information in

this case which has been marked as a 'priority case'. Reminders were sent but elicited no response. On 5 August 2024 (following a further reminder issued on 4 August 2024 which set a deadline of 14:00 pm on 5 August 2024), the Home Office responded advising it was having difficulty securing the requested file, and had noted the Commissioner's intention to issue an information notice requiring it to do so.

Information required

3. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Home Office shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A copy of the information that the Home Office still wishes to withhold in respect of this request. As already stipulated, the Home Office can provide the entire file, a list of its contents or a representative sample.
 - Confirmation as to what information within the requested record has been withheld under the various cited exemptions. If you are not providing the file in full, please clearly describe what information is being withheld under each exemption (with the exception of section 21 of FOIA).
 - Please confirm whether any of the withheld information is covered by more than one exemption and, if so, clarify this.

Failure to comply

4. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

Right of appeal

5. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

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

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

6. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Carol Scott
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF