

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 12 December 2023

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-247587-G5W2, for a decision whether a request for information made by the complainant to the Home Office on 16 March 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The complainant has requested correspondence between Chris Philp MP and Facewatch. Home Office disclosed relevant information with some redactions made under sections 35, 40 and 43 of FOIA. The complainant disputes Home Office's reliance on section 35 and section 43.
3. Initially, the Commissioner considered he wouldn't need a full submission from the Home Office but asked the Home Office to provide him with a copy of the withheld information, which it did on 16 October 2023. On reconsideration, the Commissioner decided he would need a submission. On 20 October 2023 the Commissioner wrote to the Home Office and requested a submission that justified its application of sections 35 and 43. The Commissioner asked the Home Office to provide its submission by 6 November 2023.
4. The Home Office requested extensions on 6 November 2023 and 21 November 2023. When the Commissioner didn't receive the Home Office's submission or any communication from the Home Office by close of 28 November 2023, he contacted the Home Office, and the Home Office advised it would provide its submission by 8 December 2023.
5. At the date of this notice, the Commissioner hasn't received the Home Office's submission.

Information required

6. 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 Home Office shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A submission that addresses the Commissioner's correspondence to the Home Office of 20 October 2023 and which fully explains its reliance on section 35 and section 43 of FOIA to withhold information within scope of the complainant's request.

Failure to comply

7. 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

8. 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

9. 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.

Signed

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