

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2014

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

Decision (including any steps ordered)

1. The complainant requested information relating to the Sex Offender Register. The Home Office failed to respond to this request and the Commissioner's decision is that in so doing the Home Office breached sections 1(1) and 10(1) of the FOIA.
2. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
3. The Home Office must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

4. On 15 March 2013 the complainant wrote to the Home Office and requested information in the following terms:

"Please tell me:

1a) How many sex offenders were placed under registration requirements in each of the past ten years (2003-2012)

1b) The total number of sex offenders on the Sex Offenders Register in each of the past ten years (2003-2012)

2) How many offenders on the Sex Offenders Register went on to

reoffend in 2012. Please also provide me with a breakdown of the crimes committed.

3) How many offenders currently listed on the Sex Offenders Register can't be traced".

5. At the time of writing the Home Office had failed to respond substantively to this request.

Scope of the case

6. The complainant contacted the Commissioner on 10 January 2014 to complain about the failure by the Home Office to respond to her information request and confirmed on 2 April 2014 that she still had not received a response to the above request.

Reasons for decision

Sections 1 and 10

7. Section 1(1) of the Act states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the Act states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
8. In this case the Home Office has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above the Home Office is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

9. As well as the finding above that the Home Office has breached the FOIA in this case, the Commissioner would also note here his concern at the severity of this delay, which he considers to have been grossly excessive. This has been compounded by the apparent failure of the Home Office to offer any explanation to the complainant for this delay.
10. The Commissioner will be contacting the Home Office separately to seek an explanation for the delay in this case. He has also made a record of this delay and this issue may be revisited in future enforcement action.

Right of appeal

11. 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,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

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

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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Wycliffe House
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Wilmslow
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SK9 5AF