

Aug/05

IMMIGRATION DIRECTORATES' INSTRUCTIONS

ANNEX E

**CHAPTER 25 PROVIDING ASSISTANCE TO APPLICANTS AND PROCEDURAL
SECTION 4 REFUSALS UNDER THE FREEDOM OF INFORMATION ACT 2000**

STANDARD TEMPLATES

**FIRST STANDARD LETTER TO APPLICANTS WHERE THE INFORMATION
REQUESTED IS UNCLEAR**

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[insert name of applicant]**,

Thank you for your *letter/fax/email* **[delete as appropriate]** of **[insert date of letter from applicant]** where you have requested information about **[insert type of information requested by the applicant]**. This falls to be dealt with under the Freedom of Information Act 2000.

Section 1(3) of the Freedom of Information Act provides that a public authority need not comply with a request for information unless any further information reasonably required to identify and locate the information is supplied. I am unclear about the exact scope of the information in which you are interested. To ensure that we provide you with the right information, please could you clarify your request, so that we can process your request. This might include, for instance,

[IND Directorates to insert where appropriate: *an indication as to when the material you are interested in dates from, or more detail about its subject matter*].

When you provide this information we will aim to send you a full response to your request within twenty working days of its receipt. I look forward to hearing from you shortly. However, please note that if I do not receive appropriate clarification of your request within three months from the date of this letter, I will consider this request to be closed.

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

STANDARD REFUSAL LETTER TO APPLICANTS WHERE STAFF HAVE CONTACTED THEM AND THE INFORMATION THEY HAVE REQUESTED IS STILL UNCLEAR**[Insert details of relevant Directorate address here]**Our Ref
Your Ref

Date

Dear **[insert name of applicant]**,

As you will be aware I recently contacted you by *letter/fax/email/telephone* **[delete as appropriate]** on **[insert date of contact]** to seek further clarification regarding a request you made for information regarding **[insert type of information requested by the applicant]**. This request is being dealt with under the Freedom of Information Act 2000.

Unfortunately, your subsequent *letter/email/fax* **[delete as appropriate]** or **[during the course of our conversation]** of **[insert date]** did not provide us with sufficient details to identify or locate the information you require and I am not able to provide you with the information you requested. As I pointed out to you in my previous letter. Section 1(3) of the Freedom of Information Act states that a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied.

[Or where some information can be provided]

I am therefore only in a position to provide you with the following information:

[Insert relevant information disclosed only if it is not subject to a substantive exemption]

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint to:

IND Complaints Unit
11th Floor, West Wing
Block 'C'
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

[Signature of staff member]**[Insert full name of IND staff member dealing with request]****[Insert IND Directorate]**

STANDARD TEMPLATE RESPONSE TO AN APPLICANT WHERE A REQUEST FOR INFORMATION HAS BEEN TRANSFERRED TO ANOTHER DEPARTMENT OR PUBLIC AUTHORITY

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[insert name of applicant]**,

Thank you for your letter/fax/email **[delete as appropriate]** of **[insert date of letter from applicant]** where you have requested information about **[insert type of information requested by the applicant]**. This falls to be dealt with under the Freedom of Information Act 2000.

The information you have requested is not held in either the Immigration and Nationality Directorate or any other parts of the Home Office as this Department does not deal with this issue. However, the information **[or the majority of information]** you have requested is held by **[insert name or relevant Government Department or public authority]**

I have therefore transferred your request to **[insert name or relevant Government Department or public authority]** who will deal with your request accordingly.

If you have any further queries about your request then you should write to:

[Insert name or relevant Government Department or public authority]

[Insert address of Government Department or public authority and, if provided, name of relevant official dealing with the request]

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

STANDARD REFUSAL LETTER TEMPLATE TO APPLICANTS WHERE A REQUEST IS VEXATIOUS

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[enter applicant name]**,

Thank you for your letter/fax/email **[delete as appropriate]** of **[insert date of letter from applicant]** where you have requested information about **[insert type of information requested by the applicant]**. This falls to be dealt with under the Freedom of Information Act 2000.

We have assessed your request but are not obliged to comply with it. I believe that this is a vexatious request. Section 14(1) of the Freedom of Information Act 2000 provides that the Home Office is not obliged to comply with a request for information of this nature.

It has been decided your request is vexatious because **[IND Directorates must go on here to explain to the applicant why and on what basis the individual request is vexatious with reference to point 6.1 of this Section 4 guidance]**

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint to:

IND Complaints Unit
11th Floor, West Wing
Block 'C'
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

I am sorry that I am unable to assist you further in this matter.

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

STANDARD REFUSAL LETTER TEMPLATE TO APPLICANTS WHERE A REQUEST IS REPEATED

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[enter applicant name]**,

Thank you for your letter/fax/email **[delete as appropriate]** of **[insert date of letter from applicant]** where you have requested information about **[insert type of information requested by the applicant]**. This falls to be dealt with under the Freedom of Information Act 2000.

Our records show that you have already written in on **[insert date of first request made by applicant to IND]** requesting *substantially similar/identical* **[delete as appropriate]** information and you were sent a reply to this request on **[insert date of first IND response sent to the applicant]**.

I do not believe that a reasonable interval has passed since you made your first request and we are therefore not obliged to comply with your request under section 14 (2) of the Freedom of Information Act 2000. This is because **[IND Directorate then to set out here the reasons with reference to the guidance at Section 4 point 6.2 of the IDI as to why they consider that a reasonable time has not elapsed in respect of the individual circumstances of the requests]**

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint to:

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11th Floor, West Wing
Block 'C'
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

I am sorry that I am unable to assist you further in this matter.

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

STANDARD INITIAL LETTER TEMPLATE TO APPLICANTS ASKING AN APPLICANT TO

REFINE THEIR REQUEST BECAUSE IT EXCEEDS £600 COST LIMIT

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[enter applicant name]**,

Thank you for your *letter/fax/email* **[delete as appropriate]** of **[insert date of letter from applicant]** where you have requested information about **[insert type of information requested by the applicant]**. This falls to be dealt with under the Freedom of Information Act 2000.

As part of the Home Office, IND is not obliged to comply with any information request where the prescribed costs of supplying you with the information exceed £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour, which equates to 3½ days work per request. Prescribed costs include those which cover the cost of locating and retrieving information, and preparing our response to you. They do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or disbursements such as photocopying or postage.

I can confirm that we do hold information which you are interested in but have estimated that the cost of answering your request would exceed the £600 limit and we are therefore unable to comply with it. Although your request would at present be too costly to answer, if you refine it so that it falls under the cost limit we will consider it further. **[IND Directorates to insert guidance, wherever possible, on how the applicant might refine their request in the particular instance in order to provide assistance – this might, for example, include information about the particular information sets held in order to help the applicant be more precise].**

You should however be aware that if you break your request down into a series of smaller requests, we might, depending on the circumstances of the case, decline to answer if the aggregated cost of complying exceeds £600, as permitted by the Fees Regulations.

[Standard lines to be used below if material requested may be subject to substantive exemptions]

Even if a new request were to fall below the £600 cost limit, the information you request might be withheld under the terms of a number of substantive exemptions contained in part II of the Freedom of Information Act 2000. These exemptions could also make it necessary for us to extend the period for responding beyond the usual 20 working day target if they involve having to consider the public interest balancing test.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint to:

IND Complaints Unit

11th Floor, West Wing
Block 'C'
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

I realise that this reply may be a disappointment to you, but I look forward to hearing from you again shortly should you wish to refine your request.

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

STANDARD LETTER TEMPLATE TO APPLICANTS WHERE A FOLLOW UP REQUEST FALLS TO BE REFUSED AS PROVIDING THE INFORMATION REQUESTED WOULD EXCEED £600

[Insert details of relevant Directorate address here]

Our Ref

Your Ref

Date

Dear **[insert name of applicant]**,

As you will be aware I recently contacted you by *letter/fax/email/phone* **[delete as appropriate]** on **[insert date of contact]**. I explained to you that the costs involved in supplying you with the information you initially requested would exceed the £600 cost limit under section 12 of the Freedom of Information Act 2000

Unfortunately, your subsequent letter/email/fax **[delete as appropriate]** of **[insert date of this]** /or **[during the course of our conversation on date of]** still does not enable me to provide the information you have requested below the £600 cost limit. This is because **[IND Directorates to provide an explanation here as to why this is based on the individual request]**

You may wish to refine your request further by **[IND Directorates to insert information as to how the applicant might refine their request]**. However, if you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting your complaint to:

IND Complaints Unit
11th Floor, West Wing
Block 'C'
Whitgift Centre
Wellesley Road
Croydon
CR9 1AT

During the independent review the department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely,

[Signature of staff member]

[Insert full name of IND staff member dealing with request]

[Insert IND Directorate]

TABLE FORMAT FOR INTERNAL USE FOR CALCULATING THE COST OF RESPONDING TO A REQUEST ABOVE THE 600 COST LIMIT

Request	Unit/ Section	Volume of material		Research time per file /papers(hours	Cost per hour (£25)	Total cost
		Number of files ¹ / amount of papers				
		Files	Papers			

¹ Please separate out paper files and e-files/documents