

Aug/05

IMMIGRATION DIRECTORATES' INSTRUCTIONS

ANNEX G

**CHAPTER 25
SECTION 5**

**INTRODUCTION TO SUBSTANTIVE EXEMPTIONS
UNDER THE FREEDOM OF INFORMATION ACT 2000**

STANDARD TEMPLATES

**STANDARD LETTER TEMPLATE TO APPLICANT WHERE STAFF ARE NOTIFYING
THEM OF THE NEED TO CONSIDER EXTRA TIME FOR CONSIDER PUBLIC INTEREST
BALANCING TEST**

[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.

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 are considering your information request. Although the Freedom of Information Act carries a presumption in favour of disclosure, it provides exemptions which may be used to withhold information in specified circumstances. Some of these exemptions are subject to a public interest test. These exemptions are known as qualified exemptions. The public interest test is used to balance the public interest in disclosure against the public interest in favour of withholding the information under qualified exemptions. Section 10(3) of the Act allows us to exceed the 20 working day response target where reasonably necessary to consider the public interest test fully. This is subject to us telling applicants when we expect to conclude our deliberations and provide a full response.

The information requested must be considered under the exemption[s] contained within section[s] **[insert section number(s)]** of the Act. **[Select as appropriate: This is a qualified exemption /These are qualified exemptions]** relating to **[insert details]**. In order to consider the public interest test fully we need to extend the 20 working day response period, and now aim to respond by **[new target date]**.

Should you have any queries about the handling of your information request then please do not hesitate to contact me.

Yours sincerely.

[Signature of staff member]

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

[Insert IND Directorate]

STANDARD TEMPLATE LETTER FOR USE TO AN APPLICANT WHERE THE DUTY TO CONFIRM HAS BEEN EXEMPTED AND A NEITHER CONFIRM NOR DENY RESPONSE IS ENGAGED.

[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.

I have considered your request carefully and have decided that we are not obliged to inform you whether IND holds the information of the description specified in your request.

We neither confirm nor deny whether we hold the information you requested by virtue of **[insert exemption and description of that exemption]**.

[Directorate to insert explanation for using the exemption to the extent this is possible without disclosing exempt information.]

[If qualified exemption used by Directorate give reasons for the public interest balancing test concluding that the public interest in the maintenance of the exemption outweighs the public interest in disclosing – to the extent this is possible without disclosing exempt information.]

This response should not be taken as conclusive evidence that the information you have requested exists or does not exist.

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]