

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 March 2026

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

Decision (including any steps ordered)

1. The complainant has requested information about a surveillance tower from the Home Office. The Home Office advised that some information was not held and that the remaining information was exempt from disclosure, citing sections 31(1)(a), (b) and (e) (Law enforcement) and 43(2) (Commercial interests) of FOIA.
2. The Commissioner's decision is that, on the civil standard of the balance of probabilities, the information requested at part (10) of the request is not held. In respect of parts (3), (8), (9) and (13) of the request, it is unclear what is held and the Commissioner finds a breach of section 1(1)(a) in this regard (this means it is unnecessary to consider section 43(2) of FOIA). In respect of section 31(1) of FOIA, he has found that this is only partly engaged.
3. The Commissioner requires the Home Office to take the following steps to ensure compliance with the legislation.
 - Issue a fresh response to parts (3), (8), (9), (13) and the second part of part (11) of the request, clearly identifying what is or is not held. It must either disclose any information identified or issue a refusal notice saying it is not held or explaining why it is exempt from disclosure.
 - Disclose the information at parts (1), (2) and (5) of the request.
4. The Home Office must take these steps within 30 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 26 February 2025, as one of a number of similar requests, the complainant wrote to the Home Office and requested the following information (numbering added for ease of reference):

“Specifically in relation to tower AMST002, which was previously installed near Jury’s Gap Lookout but is no longer present (location redacted), I request the following information:

- 1) On what date was this tower acquired and installed?
- 2) On what date was it decommissioned and removed?
- 3) What were the total associated costs, including (but not limited to) acquisition, installation, operation, maintenance and removal?
- 4) Under what documentation (e.g. statement of work) was the tower’s operational scope and purpose defined?
- 5) What authorities, organisations, or firms were associated with its operation, maintenance and removal?
- 6) What were the reasons for its removal?
- 7) Where, if anywhere, has the tower been relocated to following its removal?
- 8) Is there any documentation regarding its performance and evaluation during its period of operation?
- 9) What formal agreements were in place between the Home Office and the respective landowners regarding this previous tower?
- 10) What are the names and dates of any Data Protection Impact Assessments [DPIAs] associated with this tower?
- 11) What privacy safeguards were in place for civilians, asylum seekers (including small boat drivers), and the surrounding areas during its operation? Were Equalities Impact Assessments carried out in relation to this tower?
- 12) How was the data and imagery collected by this tower used and stored, and what authorities and organisations (public or private) were involved in this process?

- 13) How many cross-Channel migrants and asylum seekers (in small boats) did this tower detect during its operational period at Jury's Gap?
- 14) Was this tower included in Search and Rescue (SAR) reports involving small boat crossings? If so, how many?
- 15) Was the data and imagery collected by this tower, in conjunction with Anduril's Lattice OS, used (or will it be used) as evidence in criminal cases related to 'irregular migration' across the English Channel (for example, piloting of small boats)? If so, please indicate the number of cases.

In your response to [a previous request], you indicated that the disclosure of information regarding these towers 'may encourage additional crossings or riskier behaviour by the individuals involved' and that it 'could aid the criminals seeking to facilitate these dangerous small boat crossings'. However, this response appears to imply that the release of the requested information may merely prejudice law enforcement operations, rather than explicitly or directly interfering with or prejudicing them. According to ICO guidance, harm that is 'trivial' does not engage the exemption under Section 31, and the guidance clarifies that 'would prejudice' requires it is more probable than not that such prejudice would occur.

Given that the past presence and removal of tower AMST002 near Jury's Gap Lookout is already publicly known, with evidence readily available in the public domain, the requested information would only serve to enhance transparency without introducing any new risks to law enforcement operations. Such disclosure is crucial for public accountability, especially in light of established ICO guidance that deems trivial or speculative risks insufficient to justify withholding information under Section 31. I therefore kindly request the full disclosure of the requested information".

6. On 29 April 2025, the Home Office responded. It referred to the complainant having made nine requests in total, for different locations, and refused to confirm or deny holding the requested information, citing sections 31(1)(a), (b) and (e) of FOIA; amalgamating its response for them all.
7. The complainant requested an internal review on 30 April 2025.
8. The Home Office provided an internal review on 8 October 2025. As, in the meantime, it became evident that the MOD had released information related to the subject of the request without its knowledge, the Home Office revised its position, confirming that some information was held,

but refusing to disclose it on the basis of sections 31 and 43 of FOIA. It provided a link to the [Common Operating Picture & Command Interface \(COPCI\) contract](#) and advised the complainant that this included the information at part (4) of his request. It also advised that some information was not held, specifically any DPIAs.

Scope of the case

9. The complainant contacted the Commissioner on 3 July 2025, initially to complain about the lack of an internal review.
10. Following provision of an internal review, the Commissioner contacted the complainant for his views, which were as follows:

"The Home Office relied heavily on section 31(1) (law enforcement), particularly in respect of disclosure of data relating to asylum seekers and displaced people. The request concerns AI-enabled surveillance towers whose data is likely being used in criminal prosecutions of asylum seekers who cross the English Channel in small boats, raising GDPR, data protection and human rights questions. Whilst the Home Office has stated that 'the equipment does not collect, store, or process any personal data' and that a 'Data Protection Impact Assessment (DPIA) is not required, and consequently, no related information is held', I am not convinced by this statement, as I know that across the board, search and rescue surveillance via the Home Office/Border Force and the MCA/HM Coastguard is being used as evidence for charges and prosecutions under sections 24 and 25 of the Immigration Act 1971.

The Home Office acknowledged that "[i]nformation from such systems has been used in evidence in criminal trials" (https://www.whatdotheyknow.com/request/use_of_english_channel_surveilla/response/3009184/attach/html/3/FOI2025%2003205%20Samuel%20Storey%20Response.pdf.html). The Maritime & Coastguard Agency have implicitly acknowledged this by disclosing tallies for the sharing of data with the Home Office for the purposes of immigration enforcement (https://www.whatdotheyknow.com/request/english_channel_isr_data_sharing_2/response/3205282/attach/html/3/attachment.pdf.html).

Although the contract has now been published on Contract Finder, albeit months after my initial request, it remains heavily redacted, and the Home Office still refuse to confirm the physical presence of the autonomous surveillance towers at their respective locations. Several public bodies (MoD, MCA, Thanet District Council) have already confirmed installations or provided dates for particular

sites (links in my internal review request:

https://www.whatdotheyknow.com/request/anduril_maritime_sentry_towers_j#outgoing-1854219). The public domain nature of much of this material undermines the assertion that disclosure would create novel, material harm.

In this regard, please assess whether the exemptions were correctly applied and whether the Home Office failed in its severance obligations.”

11. The Commissioner will consider the application of sections 31 and 43 to the request (as the complainant did not refer to the response to part (4), he will not further consider this). He will also consider whether or not any further information is held.
12. The complainant confirmed that the Commissioner should consider this request only rather than all nine related requests.
13. The Commissioner has viewed the unredacted contract and been provided with further details about the withheld information.

Reasons for decision

Section 1 – General right of access

14. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds that information and, if so, to have that information communicated to them.
15. In this case, the complainant suspects that the Home Office holds information from which it could answer part (10) of his request related to a DPIA and the retention of personal information. The Home Office’s position is that it does not.
16. In cases where there is some dispute about the amount of information located by a public authority and the amount of information that a complainant believes might be held, the Commissioner – following the lead of a number of First-tier Tribunal decisions – applies the civil standard of the balance of probabilities. In essence, the Commissioner will determine whether it is likely, or unlikely, that the public authority holds information relevant to the complainant’s request.
17. The Commissioner will consider the complainant’s evidence and arguments. He will also consider the actions taken by the public authority to check whether the information is held and any other reasons offered by the public authority to explain why the information is not held. He will also consider any reason why it is inherently likely or

unlikely that information is not held. For clarity, the Commissioner is not expected to prove categorically whether the information is held, he is only required to make a judgement on whether the information is held on the civil standard of proof of the balance of probabilities.

18. The complainant's views are in paragraph 13. He basically disputes that there is no further information as he says that search and rescue surveillance data is known to be used as evidence in prosecutions under the Immigration Act 1971.

19. The Home Office has explained to the Commissioner:

"The Home Office does not hold such documentation because it was not required. It was clearly explained to the requestor at the IR stage why this was ["As the equipment does not collect, store, or process any personal data, a Data Protection Impact Assessment (DPIA) is not required, and consequently, no related information is held."], and this question and the 11 that follow it seem to be predicated upon the requestor's unfounded assumption that the information does exist and must exist, and that the Home Office's assertion that it does not exist is not credible. The answers to this and the subsequent questions are therefore made in response to what the ICO has asked but it is important to bear in mind at the outset that this information does not exist, has never existed, and could not exist because the function of the equipment is not what the requestor has assumed.

...the responding Home Office policy area quickly ascertained that some of the information requested (i.e. the DPIA) was not held, had never been held, and could not be held by the Home Office. Nevertheless, the contractor was contacted to confirm whether they were holding any relevant information on behalf of the Home Office. While some information relevant to the wider request was held on the Home Office's behalf, and was provided for consideration of the request, none of the information described as 'No Information Held' was being held on behalf of the Home Office.

... it was recognised at an embryonic stage in the consideration of the FOIA request that the Home Office would be unlikely to hold some of the information requested (i.e. the DPIA). Nevertheless, searches were made in HO records and with the contractor, using the terms set out in the requestor's request (i.e. DPIA) in order to ensure that there definitely was no information held that could be in scope.

... The requirement for a DPIA only exists where there is personal data being recorded, stored, or processed. Personal data is not captured either by the equipment or by the contractors providing

the managed service, therefore a DPIA was not and is not required either for legal or for regulatory purposes.”

The Commissioner's conclusion

20. When, as in this case, the Commissioner receives a complaint that a public authority has not disclosed some or all of the information that a complainant believes it holds, it is seldom possible to prove with absolute certainty that it holds no relevant information. However, as set out in the paragraphs, above, the Commissioner is required to make a finding on the balance of probabilities.
21. The Commissioner considers that the Home Office contacted the relevant business area (and the supplier), to consider whether or not any information was held in respect of a DPIA. Based on the information provided, ie that the equipment does not collect, store, or process any personal data, the Commissioner is satisfied that, on the balance of probabilities, no recorded information is held. He is therefore satisfied that the Home Office has complied with the requirements of section 1 of FOIA in respect of part (10) of the request.

Section 1 considerations in respect of parts (3), (8), (9) and (13)

22. In considering the Home Office's response to him of 12 March 2026, the Commissioner has noted an inconsistency in respect of parts (3), (8), (9) and (13) of the request. Having previously advised the complainant that this information would be exempt by virtue of sections 43(2) (part (3)) and 31(1)(a)(b) and (e) (parts (8), (9) and (13)) of FOIA, it appears to the Commissioner that this may not be the case.
23. In respect of part (3), the Home Office provided the Commissioner with an unredacted copy of a contract which the Commissioner believed would be the relevant documentation for this particular tower. (There is a redacted copy of the contract [C22863 - Anduril](#) available online.) However, it became apparent that this contract related to **all** such towers rather than the specified tower at Jury's Gap, as specified in the request. When asked regarding this, the Home Office advised the Commissioner: "There are no specific costs for individual towers – what the HO contract is a managed service from Anduril, not the purchase, operation and maintenance of individual towers". As the request seeks the contract for this specified tower, the Commissioner requires the Home Office to take the step in paragraph 3 above.
24. In respect of part (8) of the request, the Home Office advised the Commissioner that there were monthly reports and meetings between the contractor and Home Office concerning the effectiveness of the whole system. The Commissioner therefore asked whether it could isolate performance for this site and whether it considered any recorded

information would fall within the scope of the request. The Home Office responded saying:

"This information does not fall within the scope of the complainant's request, as these documents are about the performance and effectiveness of the system as a whole rather than the performance and evaluation of this tower in particular."

25. However, at the same time, it indicated to the Commissioner that the information at part (8) of the request was being withheld under sections 31(1)(a)(b) and (e) of FOIA, ie implying that information is held. Therefore, its position is unclear regarding whether any information is actually held. As such, the Home Office is required to take the step in paragraph 3 above.
26. In respect of part (9) of the request, the Home Office advised the Commissioner that it did not want its views sharing in this decision notice, as it said it may require further consultation. However, its response does not comply with section 1 of FOIA, which requires it to state whether or not it holds information and to disclose it unless an exemption (or exclusion) applies. The Home Office is required to take the step in paragraph 3 above.
27. In respect of part (13), the response provided to the Commissioner does not comply with section 1 of FOIA, which requires a public authority to state whether or not it holds information and to disclose it unless an exemption (or exclusion) applies. The Home Office is required to take the step in paragraph 3 above.

Section 1 considerations in respect of the second part of part (11)

28. This concerns whether or not the Home Office carried out any Equality Impact Assessments in relation to the tower.
29. The Home Office has made no comment in this regard and it is not known whether such an assessment exists. As such, the Home Office is required to take the step in paragraph 3 above.
30. In failing to comply with section 1 in respect of parts (3), (8), (9) and the second part of part (11) of the request, the Home Office has breached section 1(1)(a) of FOIA.

Section 31 – Law enforcement

31. The Home Office has cited section 31(1)(a), (b) and (e) in respect of parts (1), (2), (5) – (7), the first part of part (11) and (12) – (15) of the request.

32. Section 31(1) of FOIA states that information is exempt if its disclosure under FOIA would, or would be likely to, prejudice (a) the prevention and detection of crime, (b) the apprehension or prosecution of offenders and (c) the operation of the immigration controls.
33. In order for a prejudice based exemption, such as section 31, to be engaged the Commissioner believes that three criteria must be met:
- Firstly, the actual harm which the public authority alleges would, or would be likely to, occur if the withheld information was disclosed has to relate to the applicable interests within the relevant exemption.
 - Secondly, the public authority must be able to demonstrate that some causal relationship exists between the potential disclosure of the information being withheld and prejudice to the interest which the exemption is designed to protect. Furthermore, the resultant prejudice which is alleged must be real, actual and of substance.
 - Thirdly, it is necessary to establish whether the level of likelihood of prejudice being relied upon by the public authority is met – i.e. disclosure would be likely to result in prejudice, or disclosure would result in prejudice. If the likelihood of prejudice occurring is one that is only hypothetical or remote the exemption will not be engaged.
34. Section 31(1) of FOIA is also a qualified exemption, meaning that even if the exemption is engaged, the information should still be disclosed unless the public interest in maintaining the exemption outweighs the public interest in disclosure.
35. At internal review, the Home Office advised the complainant:
- “Disclosure would compromise intelligence, surveillance, and capabilities used to detect dangerous small boat crossings in the Channel. Revealing operational details such as equipment locations, functionality, and technical specifications could enable organised criminal gangs to develop countermeasures, undermining law enforcement, immigration controls, and public safety. Disclosure in this case could encourage riskier tactics by criminal groups, increasing the danger to life at sea. The public interest lies in protecting operational integrity and preventing further exploitation of vulnerable individuals. Organised Crime Groups have demonstrated active interest in law enforcement efforts. Any operationally sensitive information released publicly would likely be exploited, further jeopardising safety and enforcement effectiveness. I am satisfied section 31(1)(a), (b) and (c) is engaged and the public interest falls in favour of withholding the information.”
36. The Home Office further explained to the Commissioner:

"The primary function of the surveillance tower is to identify small boats so that those on board can be safely located and rescued. In addition to this humanitarian role, the tower also supports law-enforcement activity by helping to prevent the unlawful entry of migrants into the United Kingdom, an offence under Section 24 of the Immigration Act 1971.

While surveillance towers may be visible to the public, this does not mean that their precise locations, the rationale for their placement, or their operational capabilities should be disclosed. Revealing such information could enable individuals to evade detection, thereby increasing the risk of death or serious harm to migrants attempting dangerous crossings. Withholding these details is therefore firmly in the public interest. This aspect of the small-boats issue is operationally significant and cannot reasonably be regarded as trivial.

The Home Office must also consider how releasing information could be used in conjunction with information that is already in the public domain. It must take into account what the mosaic effect will be inherent in releasing this information. It is a well-documented fact that criminals will frequently adapt the way that they operate either to evade detection or to be more effective ([NSA 2024 Website - PDF Version 1.pdf](#)).

The same is true for any organisation looking to be as effective possible at what it does, including law enforcement. There are numerous examples that can be sourced via the internet that detail the ways in which criminal gangs have adapted their modus operandi either to evade detection or to become more successful, a few of which include:

- [House of Lords - Operation Sophia, the EU's naval mission in the Mediterranean: an impossible challenge - European Union Committee](#)
- [Observatory on Smuggling of Migrants - About](#)
- [New drug trafficking routes and smuggling methods identified in INTERPOL-led operation](#)
- [ep-ip_report_executive_summary.pdf](#)
- [How criminals profit from the COVID-19 pandemic | Europol](#)

Organised Crime Groups will use any knowledge that they can about the way in which law enforcement operates to evade detection, either gained from personal experience or found from other sources such as the internet. The same is true for law enforcement who will use their knowledge of the way that organised crime groups operate to assist them in their approach to tackling the threats that they pose ([800 criminals arrested in](#)

biggest ever law enforcement operation against encrypted communication | Europol).

The adaptability of organised crime groups is the reason why any FOIA requests that relate to law enforcement activity must not only consider the request by itself but also what the mosaic effect of providing the response will be. This approach is consistent with the advice that the Information Commissioner's Office gives for responding to FOIA requests related to law enforcement related information ([How should we apply the prejudice test?](#))."

37. The Commissioner accepts that the prejudice described by the Home Office above relates to the interests which sections 31(1)(a), (b) and (e) of FOIA are designed to protect.
38. However, in respect of parts (1), and (2), which refer only to the dates of operation for the tower, it is noted that the Home Office has confirmed that this information is held, thereby disclosing that the tower was operational, but this is no longer the case. Furthermore, part (5) of the request refers only to any party involved with the tower's operation, maintenance and removal, factors which the Commissioner does not agree would relate to its law enforcement capabilities. From the submissions provided, the Commissioner can see no evidence from the Home Office which would engage any of the limbs of the section 31 exemptions cited in respect of these parts of the request. The Home Office is therefore required to take the step at paragraph 3 regarding these parts of the request.
39. Regarding the remaining parts of the request, ie (6), (7), (11) (the first part), (12), (14) and (15), the Commissioner is satisfied that the prejudice envisaged by the Home Office is "real, actual and of substance", and that there is a causal link between disclosure and the prejudice. It is clearly logical to argue that disclosure of information about the technical capabilities of these towers could allow those intent on breaching immigration controls to illegally enter the UK.
40. The Home Office didn't explicitly set out what it considers the likelihood of the prejudice occurring to be. Therefore, for the purpose of this case, the Commissioner has taken the exemption to be engaged on the basis of the lower threshold of likelihood – i.e. the prejudice "would be likely to occur".

Public interest test

41. Section 31(1) of FOIA is a qualified exemption and therefore subject to the public interest test set out in section 2 of FOIA. The Commissioner has therefore considered whether, in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

42. It is initially noted that, although invited to do so by the Commissioner when commencing his investigation, the Home Office provided no further public interest arguments. The Commissioner can therefore only rely on those offered in its original refusal notice.

Public interest arguments in favour of disclosure

43. When requesting an internal review, the complainant argued:

“a) There is a strong public interest in understanding how private-sector surveillance technology, particularly AI-driven detection algorithms developed through machine learning, is being used on UK territory to monitor migrants and asylum seekers. Such systems may rely on datasets that embed racial or discriminatory biases, raising important ethical, legal, and operational concerns.

b) Transparent disclosure of these systems is essential to ensure they comply with the Data Protection Act 2018, the Equality Act 2010, and the UK’s human-rights obligations. Given the potential for algorithmic error, mission creep, or unanticipated harm, independent review of performance metrics, audit trails, and impact assessments (including Equality and Data Protection Impact Assessments) is vital. Such transparency would enable civil society, Parliament, and regulators to determine whether these AI surveillance practices are lawful, proportionate, and ethical.

c) While your response states that the towers do not use personal data (e.g. facial images), it fails to address what types of data or imagery are collected, how they are processed, and whether any sensitive procedures are in place post-data capture. A transparent account of data-handling practices is essential for an informed public interest assessment.”

44. In its refusal notice, the Home Office argued:

“There is a general public interest in the disclosure of information to ensure departmental transparency and accountability. There is also a general public interest in providing information to enable the public to understand decisions which may affect them.

There is a specific public interest in enabling access to information about immigration enforcement activity and information we gather to inform cross-channel collaboration to tackle small boat crossings.

There is also a public interest in maintaining confidence that the data obtained from the Home Office’s Intelligence, Surveillance and Reconnaissance capabilities is gathered, processed, shared, and stored lawfully.”

Public interest arguments in favour of maintaining the exemption

45. In its refusal notice, the Home Office argued:

"It would not be in the public interest for the Home Office to release information that would, here likely, encourage additional crossings or riskier behaviour by the individuals involved. Disclosure of the requested information would more likely than not aid the criminals seeking to facilitate these dangerous small boat crossings by informing such heinous people who exploit vulnerable people and defy boat safety laws about the technology being deployed against them, enabling them to develop countervailing activity to increase their likelihood of success, support their planning and inform [sic] new tactics and routings. This could potentially result in increased launches, concealed crossings and attempts to evade French law enforcement. Migrants may be placed in even greater jeopardy by making them less easy to detect by UK and French patrols engaged in Safety of Life at Sea (SOLAS) operations.

It would have a highly deleterious, adverse effect of at least for a significant period, more likely than not, provoke [sic] convoluted long crossings, with misapprehension of risks based on then knowing the towers' locations such as this fatality and landing of 2 migrants: <https://www.bbc.co.uk/news/uk-england-essex-59048139> ("Harwich: Search called off after two rescued in North Sea"). This is notwithstanding that the towers in the UK (i.e. in Strait of Dover and/or English Channel) do not use personal data such as facial images as this is not commonly understood particularly given recent searches for "Anduril" – overwhelmingly produces U.S. articles as use of the company's technologies and operations and even use in other jurisdictions for facial recognition. Anduril products have distinct purposes and taskings depending on jurisdiction."

Balance of the public interest

46. The Home Office concluded its position saying:

"We conclude that the balance of the public interest lies in maintaining the exemption and withholding the information. It is in the overall public interest that the Home Office's efforts to deter and prevent these dangerous and unlawful crossings not be undermined by information which would likely enable evasion of justice on the part of criminal gangs, to improve the chances of evading (likewise prejudicing to use the exact verb specified in the FOIA) immigration controls on the part of individual migrants, to in the same acts encourage greater risk-taking and thereby to increase the risk to life at sea."

47. The Commissioner has considered the arguments advanced by both the complainant and the Home Office. He acknowledges that it is important for the general public to have confidence in the UK's law enforcement capabilities, in the ability to prevent and detect crime, the ability to apprehend and prosecute offenders and the operation of the immigration controls. Accordingly, there will always be a general public interest in transparency and accountability in order to maintain that confidence and trust.
48. The Commissioner accepts that disclosure of the requested information would enable the public to better understand the Home Office's approach to this type of technology and its law enforcement capabilities, along with any privacy concerns.
49. However, in carrying out the balancing test in this case, the Commissioner considers that appropriate weight must be afforded to the public interest which is inherent in the exemption. In this case that is the public interest in avoiding prejudice to the Home Office's law enforcement functions.
50. In the context of the information being withheld in this case, the Commissioner is satisfied that disclosing details which would provide currently unknown information about the specifics of this type of equipment, could provide a tactical advantage to those criminal gangs who organise the illegal crossings. As a result, this would be likely to encourage them to continue, or even increase, their criminal behaviour, which in turn puts an on-going strain on the public purse and also puts the lives of those making the crossings at risk.
51. In light of the above, the Commissioner has concluded that the balance of the public interest favours maintaining the exemption. It follows, therefore, that the Commissioner finds that the Home Office was entitled to rely on sections 31(1)(a), (b) and (e) of FOIA to withhold the information at parts (6), (7), (11) (the first part), (12), (14) and (15) of the request.

Section 43 – Commercial interests

52. This is being cited in respect of part (3) of the request only. As the Commissioner has required the Home Office to respond afresh to this part of the request, this exemption will not be considered in this notice.

Other matters

53. Although they do not form part of this notice the Commissioner wishes to highlight the following matter of concern.

Internal review

54. The Commissioner cannot consider the amount of time it took a public authority to complete an internal review in the main body of a decision notice because such matters are not a formal requirement of FOIA. Rather, they are matters of good practice which are addressed in the code of practice issued under section 45 of FOIA.
55. Part VI of the section 45 Code of Practice states that it is desirable practice that a public authority should have a procedure in place for dealing with complaints about its handling of requests for information, and that the procedure should encourage a prompt determination of the complaint. The Commissioner considers that internal reviews should be completed as promptly as possible. While no explicit timescale is laid down by FOIA, the Commissioner considers that a reasonable time for completing an internal review is 20 working days. In exceptional circumstances it may take longer but in no case should the time taken exceed 40 working days. The Commissioner is therefore concerned that it took the Home Office more than five months to conduct an internal review in this case.
56. This delay will be logged for monitoring purposes.

Right of appeal

57. 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)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

58. 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.
59. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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