

Second Defendant
Roger Gill
First Witness Statement
Date: 27 February 2024

Appeal Number:

FIRST-TIER TRIBUNAL
(GENERAL REGULATORY CHAMBER)
INFORMATION RIGHTS

BETWEEN

Appellant

-and-

THE INFORMATION COMMISSIONER

First Respondent

-and-

HOME OFFICE

Second Respondent

WITNESS STATEMENT OF ROGER GILL

I, Roger Gill, of the Knowledge and Information Management Unit, 2 Marsham Street, London, SW1P 4DF will say as follows:

1. I, Roger Gill, am Head of Information Rights at the Home Office. My roles and responsibilities include being responsible for the Home Office's Freedom of Information

procedures, including ensuring FOI performance thresholds are met and appeal processes are undertaken correctly.

2. I make this witness statement further to the Direction of Judge Foss dated 13 February 2024.
3. The contents of this witness statement are true to the best of my knowledge, information and belief. Where appropriate, I indicate which statements are made from my own knowledge and which are matters of information or belief.
4. Firstly, on behalf of the Home Office I would like to sincerely apologise to the Tribunal for the delayed response to the Tribunal's correspondence.
5. The Tribunal's correspondence was not handled correctly on this occasion and, as a result, the relevant policy team in the Home Office were not made aware of the Tribunal's request until recently.
6. For clarity, the key dates are as follows:
 - a. **28 March 2023** - Date of notification to the Home Office of _____ decision to appeal to the First Tier Tribunal (FTT). The letter stated that *'the HO may want to join the proceedings so that you can make representations to the Tribunal. **If you do wish to be joined to the appeal, please contact me and I will ask the Tribunal's Registrar to make appropriate directions.** There is no need for a formal application to join; an email/letter stating "I/we wish to join this appeal" will suffice.'*
 - b. **4 April 2023** – The relevant Home Office policy team confirmed to the Freedom of Information Team that they did not wish to join the appeal as a second respondent. As the Home Office did not wish to be joined to the appeal, no response was provided to the FTT on this point, in line with the FTT's correspondence.
 - c. **16 May 2023** – The Information Commissioner's Office (ICO) emailed the Home Office to request Home Office comments on what could / could not be included in the Open/Closed bundles for the FTT.
 - d. **22 May 2023** – The Home Office wrote back to ICO with agreed, and redacted, documents for the contents of the Open/Closed bundles.

- e. **17 November 2023** – The Home Office received the FTT Case Management Directions. This email was not allocated correctly due to an absence of a member of the Home Office’s Freedom of Information Team. The member of staff who subsequently picked up the request, wrongly believed that no further action was required because the Home Office had not requested to join to the appeal.

- f. **15 January 2024** - The FTT wrote to the Home Office, instructing the Home Office to respond. This email was forwarded to me. As I was on extended leave from the following day, I passed the request to a member of my staff to deal. Again, the staff member believed that no further action was required because the Home Office had not requested to join the appeal.


- g. **14 February 2024** – The FTT wrote again requiring a response to the appeal by 28 February and an explanation why the Home Office did not respond.

- 7. I have spoken with all staff in the Freedom of Information team and reiterated the importance of answering all Tribunal correspondence by the deadline provided no matter what the ask and if there are any doubts about how something should be handled to raise it immediately with senior management.

- 8. Again, please accept my apologies. Going forward, I and other senior managers will be copied into all Tribunal correspondence to mitigate any risk any similar events occurring in the future.

Statement of truth

I believe that the facts stated in this witness statement are true:

Signed 

Roger Gill

Dated 28 February 2024