

To: Claire Sheppard  
Complaints & Investigative Analyst  
Office of the DPO  
Home Office

Ref: Our ref: SARU 448029

Claire,

It has now been a month since I contacted you regarding a SAR requesting a review. I have heard nothing since then. I have not heard from the Home Office's SARU. Details are below.

I have still not had a response to my original question on whether or not the Home Office has any data on me generated as a result of previous Freedom of Information Act requests. All I have received is a cut-and-paste disclosure of my OP02 Passenger History v.6.3 which is not what I asked for.

I also note that the disclosure of my passenger exit and entry records included the

On the advice of the Information Commissioner I have filled in and sent a complaint to that organisation.

I look forward to hearing from you.

Kind regards

Matt Salusbury

Begin forwarded message:

**From:** Data Protection Officer <DPO@homeoffice.gov.uk>  
**Date:** 8 June 2021 at 07:09:45 BST  
**To:** Matt Salusbury <mattsal@gn.apc.org>  
**Cc:** Data Protection Officer <DPO@homeoffice.gov.uk>  
**Subject:** RE: SARU 448029 - not satisfied with a response

Dear Mr Salusbury

Thank you for your email dated 7 June regarding your Subject Access Request and your request for a review.

The Office of the DPO operates independently of the business areas within the Home Office and we do not have access to their records. As such, I will need to contact the Subject Access Request Unit (SARU) in order to obtain further information regarding the processing of this request, in particular to identify if there is a means by which to resolve the issue.

I will contact SARU now in order to establish the background to this case and to attempt to identify a resolution as soon as possible. I will ask SARU to contact you directly if they require further information to progress this request, as the matter can be more swiftly resolved by direct contact rather than via the Office of the DPO because we do not have access to the records.

Claire Sheppard  
Complaints & Investigations Analyst  
Office of the DPO  
**Home Office**

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**From:** Matt Salusbury <mattsal@gn.apc.org>  
**Sent:** 07 June 2021 21:48  
**To:** SARU External Customer Enquiries <SubjectAccessRequest@homeoffice.gov.uk>  
**Cc:** Data Protection Officer <DPO@homeoffice.gov.uk>  
**Subject:** SARU 448029 - not satisfied with a response

To: Subject Access Request Unit,  
Visas and Immigration

To: Data Protection Officer  
Home Office

I write with regard to SARU 448029 and your letter of 19 May 2021 titled "Subject Access Request Disclosure: SARU 448029 - Matt Salusbury - 30/Aug/64 - British Citizen ". I am not satisfied with the Home Office's response to this and I am requesting a review.

Your response does not answer the request I put to you about my personal data at all. I'm afraid it's a standard cut-and-paste letter about my Passenger History and Entry and Exit records for the last five years. (Attached).

I did not request any data on Entry and Exit records or Passenger History. My SAR was not even addressed to Visas and Immigration, but to the Home Office.

I instead specifically asked about any records of correspondence regarding my earlier Freedom of Information Act requests to the Home Office, all of which were regarding UK Visas and Immigration, going back as far as records exist (so before ).

These were mostly requests about for data on student visas and on expert advice on setting language minimum English language proficiency levels various types of visa.

I asked for any correspondence or data on me that was generated as a result of my earlier FOIA requests about how to handle these and how to respond to them, particularly any correspondence with the Cabinet Office's Clearing House for FOIA requests.

I also asked the Home Office to confirm whether or not any such records exist.

I gave some examples of correspondence I still have in regard to an earlier Freedom of Information Act request to the Home Office (Visas and Immigration). I have attached these again together with my original FOIA request, please refer to this.

As I mentioned in my initial SAR request, I am requesting data on me since records began, I showed you an example of email requests

I have already sent you a copy of my photo ID - passport and driving licence - together with a letter authorising disclosure of my data. I enclose these again.

Your letter also says "we are only able to provide data for the last five years at this time" and that "upon request, we will search for older records where there is an urgent need for this information." As this paragraph refers to "the passports or ID cards used" I assume this only refers to Entry and Exit records. I am checking with the Information Commissioner's Office whether this is Data Protection Act.

I am including below all email correspondence to date.

Please respond to my Subject Access Request.

Many thanks

Kind regards,

Matt Salusbury

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Re: Subject Access Request under Data Protection Act  
To: subjectaccessrequest@homeoffice.gov.uk  
19 April 2021 at 23:12

To: SARU External Customer Enquiries,

Please find attached a scan of a signed letter from myself giving you permission to disclose my personal data, together with a scan of my photo ID (photo page of my UK passport.)

This is so you can set up a Subject Access Request as detailed below.

I look forward to hearing from you.

Kind regards

Matt Salusbury

07918108529

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On 7 Apr 2021, at 07:57, SARU External Customer Enquiries  
<[SubjectAccessRequest@homeoffice.gov.uk](mailto:SubjectAccessRequest@homeoffice.gov.uk)> wrote:

Good Morning Mr. Salusbury

Thank you for your email. So that we can set up your Subject Access Request; please provide a copy of your photo I.D and a letter giving us permission to disclose your personal data, signed with your hand-written signature. Please refer to our website below for further guidance on what is required.

[www.gov.uk/government/publications/requests-for-personal-data-uk-visas-and-immigration/request-personal-information-held-by-uk-visas-and-immigration](https://www.gov.uk/government/publications/requests-for-personal-data-uk-visas-and-immigration/request-personal-information-held-by-uk-visas-and-immigration)

We look forward to hearing from you.

Regards,

SARU  
Home Office – UK Visa and Immigration  
11th Floor Long Corridor  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

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Subject Access Request under Data Protection Act  
To: [subjectaccessrequest@homeoffice.gov.uk](mailto:subjectaccessrequest@homeoffice.gov.uk)  
6 April at 16.16

ADDRESS AND PHONE  
NUMBER REDACTED

[mattsal@gn.apc.org](mailto:mattsal@gn.apc.org)

6 April 2021

To: Data Controller, The Home Office

**Re: Subject Access Request - Matt Salusbury, your references include FOIA Request 14685, data may include FOIA requests to the Home Office on behalf of EL Gazette 2010-2014**

I am writing to request all the information to which I am entitled to under section 7(1) of the Data Protection Act 1998 that the Home Office and other organisations under your remit have retained.

In order to assist you with this request, I am outlining some of the areas and occasions on which your organisation may have compiled information on me. As you will understand, this is not a definitive list.

As news editor of EL Gazette ([www.elgazette.com](http://www.elgazette.com)) I made numerous FOIA requests to the Home Office between 2010 and 2014. These were mostly around student visas, expert advice (or the lack of it) around decisions made on the language levels required for the various types of student visa and student visitor visas by nationality of applicants, and on data on rejections of student visa applications.

Other FOIA requests I made to the Home Office as news editor of EL Gazette covered lists of UK education providers accredited by UK Borders Agency (UKBA as it then was) approved sponsors and education providers approved by those sponsors.

These FOIA requests will have come by post, still in use back in the day in 2010, from EL Gazette, Flat 3 Constantine Court, London E1 1PW with follow-up correspondence by email via [matt@elgazette.com](mailto:matt@elgazette.com) (this email address is no longer in use.)

These will have included FOIA Request 14685 (copied below) to Paul Feakins of the Home Office Freedom of Information Team, sent 12 May 2010 according to my possibly imperfect email records.

EL Gazette's FOIA requests may possibly have been irksome to the Home Office, as at least one of them revealed that at the time no expert advice had apparently been sought on setting levels of English language proficiency for the various categories of student visa, and also that two databases used by UKBA (or the Home Office, it wasn't

clear) at the time in 2010 - Megastorm and PBS - were not capable of talking to each other, thereby apparently making a simple request to match two different lists "too expensive" at the time in 2010, according to the Home Office's reply to my FOIA request.

I am making this request in the context of the recent revelation by Open Democracy's Dark Money Investigation Team of details of the Cabinet Office's Clearing House which has existed since 2005 and reportedly sends out a daily email update to Whitehall departments with details of FOIA requests for information it deems "sensitive".

The Clearing House in some cases signs off on FOIA requests for other departments or advises Whitehall Departments to stall in responding to FOIA requests. Recent FOIA and Subject Access Requests have revealed that journalists from the *Times*, the *Guardian*, Privacy International and the BBC have been included on these lists, which name the individual journalists making the requests.

This would seem to be in clear breach of the Freedom of Information Act, which states that FOIA requesters must be "requester neutral", which means that responses to them must be influenced by who is asking for the data, whether or not they are journalists or for which outlet they work. It is as part of a campaign by my union, the NUJ, for full disclosure on the activities of the Clearing House, that I am requesting any such related data held by the Home Office on myself.

Please confirm whether you have any data on me arising from my FOIA requests to the Home Office and whether any such data has been shared with other government departments or agencies including the Cabinet Office.

I should make it clear that this request should cover all or any other information you may hold about me. I hope that you will be able to comprehensively search all your records. The definition of 'personal data' under the Act covers both facts and opinions about me as an individual, as well as information regarding the intentions of your organisation towards me.

This request should therefore cover any photographs, internal/external memos, emails, faxes and any other correspondence or accessible data held by your organisation, which could be

classified as 'personal data' under the 1998 Data Protection Act. This covers both paper and electronic data.

If you need any more information, please let me know as soon as possible. It may be helpful for you to know that data protection law requires you to respond to a request for personal data within one calendar month.

If you do not normally deal with these requests, please pass this letter to your data protection officer or relevant staff member.

Kind regards,

Matt Salusbury  
Chair, NUJ London Freelance Branch  
[www.londonfreelance.org](http://www.londonfreelance.org)  
07918108529

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Subject line: FOIA request ref 14685  
To: [paul.feakins@homeoffice.gsi.gov.uk](mailto:paul.feakins@homeoffice.gsi.gov.uk)  
12 May 2010 at 13.46

To: Paul Feakins, Freedom of Information Team, Home Office  
From: Matt Salusbury, news and features editor, EL Gazette

Re: FOIA request ref 14685

Dear Paul Feakins,

Thank you for your disclosure ref 14685. The information on what statistics the UKBA does NOT have at its disposal is revelatory enough. I will be raising with the Information Commissioner's Office possible issues around the Lord Chancellor's guidance on record management, which states that 'the FOIA ... makes sure the costs of retrieving information are reasonable, and asserts that all recorded information held, wherever it is located within the public authority, can potentially be disclosed.'

Meanwhile, I have a couple of questions regarding possible follow-up.

Regarding Question 1), if I were to do the work myself of compiling a list of all education providers that had been accredited by a UK Borders

Agency-approved sponsor, but which do not appear on the UK Borders Agency list of approved sponsors, would UKBA be able to run that list past either the Metastorm or PBS database and come up with a number of education providers in this category that are of the sponsor decision status 'rejected'?

Presumably, to facilitate this process, you would like me to send such a list in a digital format, please specify whether in an Excel spreadsheet or in the form of a table in a Word document.

Regarding Question 2), would UKBA be able to answer it if I modified it to the following:

2) Total number of nationals from Hong Kong SAR who were denied entry to the UK after arriving at a UK point of entry seeking to enter the UK for the purposes of a short study course on a "student visitor" visa.

3) Total number of nationals from Japan who were denied entry to the UK after arriving at a UK point of entry seeking to enter the UK for the purposes of a short study course on a "student visitor" visa.

4) Total number of nationals from Malaysia who were denied entry to the UK after arriving at a UK point of entry seeking to enter the UK for the purposes of a short study course on a "student visitor" visa, since the student visitor visa scheme began.

5) Total number of nationals from Singapore who were denied entry to the UK after arriving at a UK point of entry seeking to enter the UK for the purposes of a short study course on a "student visitor" visa, , since the student visitor visa scheme began.

6) Total number of nationals from South Korea who were denied entry to the UK after arriving at a UK point of entry seeking to enter the UK for the purposes of a short study course on a "student visitor" visa, , since the student visitor visa scheme began.

Since the cost limit of £600 would be exceeded by answering the questions posed in FOIA request ref: 14685, does this mean that to have the above questions answered, I would have to submit them in a new FOIA request, enclosing a £10 cheque to cover the cost of processing. Please advise.

I look forward to hearing from you soon.

Sincerely,

Matt Salusbury



