

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 July 2015

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information from the Ministry of Justice (MoJ) about photography in prisons. To date he has not received a substantive response.
2. The Commissioner's decision is that MoJ has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
3. MoJ must take these steps within 35 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 the Act and may be dealt with as a contempt of court.

Request and response

4. On 4 February 2015 the complainant wrote to MoJ and requested information in the following terms:

"I would like to know how often prisoners at HM prison Chelmsford are allowed to have pictures taken with their family members. I would also like to know whether background pictures (e.g. a backing picture of fireworks going off) are allowed to be used in such photos. I would like a list including short descriptions of all of the background pictures which been used for such pictures in HM prison Chelmsford in the last two years".

5. MoJ acknowledged receipt of the request on 4 February 2015.

Scope of the case

6. The complainant contacted the Commissioner on 13 April 2015 to complain that he had not received a response to his request.
7. The Commissioner wrote to MoJ on 16 April 2015. He asked it to respond within 10 working days.
8. The scope of this case is the determination of whether MoJ has complied with section 10 of FOIA.

Reasons for decision

9. Section 1(1) of FOIA states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
10. Section 10(1) of FOIA states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
11. Despite the intervention of the Commissioner, MoJ has still not responded to the complainant's request for information.
12. From the information provided to the Commissioner in this case it is evident that MoJ did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Other matters

13. The delay in responding to this request will be logged as part of ongoing monitoring of the MoJ's compliance with the FOIA.

Right of appeal

14. 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)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. 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.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Jon Manners
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