

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 February 2016

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information about individuals' rights, injuries and damages, recovery of property and theft. The Ministry of Justice (the 'MOJ') did not respond within the statutory 20 working days prescribed by FOIA. The complainant requested that a decision notice be issued by the Commissioner recording the delay.
2. The Commissioner's decision is that the MOJ has breached section 10(1) of FOIA by issuing its response late, but as a substantive response has been provided to the complainant, he does not require any remedial steps to be taken.

Request and response

3. On 22 October 2015, the complainant wrote to the MOJ and requested information about individuals' rights, injuries and damages, recovery of property and theft.
4. The complete version of the request can be found at Annex A attached to this decision notice.
5. The MOJ responded on 26 November 2015, relying on section 12(2), the cost exclusion of FOIA.

Scope of the case

6. On 3 February 2016 the complainant wrote to the Commissioner to request that he issue a decision notice to record the delay.
7. The scope of the Commissioner's investigation was to consider whether there has been a breach of section 10(1) by the MOJ in its handling of the complainant's request.

Reasons for decision

8. Section 10(1) of the FOIA provides:

"...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

9. The MOJ said it received the request on 23 October 2015. It provided its response to the request after 25 working days, outside the statutory 20 working days' time limit allowed.
10. The Commissioner does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action; however, should a complainant request the Commissioner to issue a decision notice for a specific complaint he will do so.
11. The Commissioner finds that the MOJ breached section 10(1) of the FOIA in this case and has ensured that the details of the case have been recorded for future monitoring purposes.

Right of appeal

12. 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

13. 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.
14. 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

Carolyn Howes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

The complainant's complete request made on 22 October 2015 is copied below:

"1. Individuals Rights afforded by the Data Protection Act, and Subject Access Requests

- i. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have served what I understand to be referred to as a 'letter before action' on the MofJ for and on behalf of a member or members of the public (data subject(s)) in relation to obtaining the disclosure of the data subject(s) personal data held by the MofJ itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.
- ii. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have obtained a Court Order against the MofJ for and on behalf of a member or members of the public (data subject(s)) in relation to obtaining the disclosure of the data subject(s) personal data held by the MofJ itself, and/or any of the MofJ's *employees* (see note A) and/or employees of those *MofJ services*.

2. Human Rights and Civil Liberties

- i. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have served what I understand to be referred to as a 'letter before action' on the MofJ for and on behalf of a member or members of the public in relation to Human Rights/Civil Liberties violations committed by the Mof J itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.
- ii. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have taken Court action against the MofJ for and on behalf of a member or members of the public in relation to Human Rights/Civil Liberties violations committed by the MofJ itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.

3. Injuries and Damages

- i. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have served what I understand to be referred to as a 'letter before action' on the MofJ for and on behalf of a member or members of the public in relation to injuries and damages they'd sustained as a result and/or consequence of the actions/inactions of the Mof J itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.
- ii. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have taken Court action against the MofJ for and on behalf of a member or members of the public in relation to injuries and damages they'd sustained as a result and/or consequence of the actions/inactions of the Mof J itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.

4. Recovery of Property

- i. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have served what I understand to be referred to as a 'letter before action' on the MofJ for and on behalf of a member or members of the public in relation to the recovery of property being held/retained by the Mof J itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.
- ii. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have taken Court action against the MofJ for and on behalf of a member or members of the public in relation to the recovery of property being held/retained by the Mof J itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.

5. Theft, possibly including Inchoate Offences and/or other acts of Misconduct In Public Office

To further assist the MofJ with my FoIA, my understanding is that theft of property and Misconduct in Public Office are criminal offences and therefore would potentially involve private prosecutions. I have been informed that private prosecutions are on the increase something that has been attributed to the various and nefarious denying of members of the public to fair and even handed justice brought about it seems in greater part by changes created – despite concerns and warnings from huge numbers of Judges – by

the former Justice Minister the Rt Hon Christopher (*aka Mr why D.I.Y? when the public will P.A.Y. for it, for me*) Grayling MP.

- i. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have served what I understand to be referred to as a 'letter before action' on the MofJ for and on behalf of a member or members of the public in relation to the theft of property and/or any Misconduct in Public Office offences committed by or aided and/or abetted by an *employee or employees* (see note A) of the MofJ and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.
- ii. Information about the firms of solicitors and/or barristers who, since 01 January 2004, have taken Court action seeking a Private Prosecution against the MofJ for and on behalf of a member or members of the public in relation to the theft of property and/or any Misconduct in Public Office offences committed by or aided and/or abetted by an *employee or employees* (see note A) of the MofJ and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.

As disclosure of any solicitor(s) and/or barrister(s) own/personal/family names(s) may be protected by the Data Protection Act I am prepared to accept information about the names of the 'Legal Firms' (Companies), Inns of Court/Chambers etc. involved in legal actions(s) against the Ministry of Justice itself, and/or any of the MofJ's employees (see note A) and/or any *MofJ service's* (see note B) and/or employees of those *MofJ services*.

I would prefer that any documents are provided to me as a paper copy, however if any of these documents quoted from or referenced are accessible via the internet then please provide me with the precise internet/website URL address."

Note A - Employee and/or employees

I believe it may possibly also help if I outline my understanding of the Ministry of Justice's own management structure; which is that it is effectively headed by the Lord Chancellor and Secretary of State for Justice (Justice Minister – at present the Rt Hon Michael Gove MP). Working down from the Justice Minister there are a number of other Ministers, the Permanent Secretary, various Department Director(s) and Deputy Director(s), the Heads of Departments within the Ministry of Justice (eg the MofJ Access and Compliance Unit) down through what seems to be multitudinously layered bureaucracy to those who actually do, or it seems don't do the work required of, and imposed upon, them by legal duties contained within an Act or indeed Acts of Legislature.

Who for simplicity I have referred to in the following FoIA as *employees* (irrespective of whether they have in fact been employed by the MofJ or whether they have merely been appointed to the MofJ by the Prime Minister/the Crown or by Parliament etc.).

Note B *MofJ Services*

In addition to the Ministry of Justice's own duties and responsibilities, I understand the MofJ are also the Governmental Ministry with responsibility for a number of other services eg Courts, Tribunal Services, Prisons, Probation Services etc within England; which for simplicity I have referred to in the following FoIA as *MofJ services*."