

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 March 2016

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

Decision (including any steps ordered)

1. The complainant submitted a request for information to the Ministry of Justice (the 'MOJ') about Just Solutions International and related payments, bids and contract. By the date of this notice, the MOJ has yet to provide a substantive response to this request.
2. The Commissioner's decision is that the MOJ breached sections 1 and 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt.
3. The Commissioner requires the MOJ to take the following steps to ensure compliance with the legislation.
 - Issue a response to the request set out in paragraph 5.
4. The 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

5. On 15 September 2015 the complainant wrote to the MOJ and requested information in the following terms:

"1. Please provide a full list of all countries Just Solutions International (JSI) has worked with since it was established.

2. *For each country listed, please state what payments the National Offender Management Service (NOMS) received from foreign contracts under the JSi brand.*
3. *On 9th September 2015, the MOJ announced NOMS would be "liable for financial penalties" should a bid to the Saudi Arabian authorities be withdrawn. Please provide all information held on the expected amount of the "financial penalties".*
4. *Please provide a copy of the final bid submitted by NOMS to the Saudi Arabian authorities in April 2015 under the JSi brand.*
5. *Please provide a copy of the final contract NOMS entered into with the Saudi Arabian authorities under the JSi brand."*

Scope of the case

6. The complainant contacted the Commissioner on 3 February 2016 to complain about the way her request for information had been handled.
7. She confirmed that she had contacted the MOJ on 8 December 2015, and had received a reply on 15 December 2015 advising that the MOJ could not provide a definitive date for the overdue response.
8. The Commissioner contacted the MOJ on 8 February 2016 querying the non-response. On 10 February 2016, the MOJ replied and advised that the response was awaiting clearance, but it expected it to be issued by the end of the following week.
9. In the absence of a response, the Commissioner again contacted the MOJ who advised that a number of similar requests were being considered for clearance with an expected issue date of the end of February 2016.
10. No substantive response to the request had been provided by the date of this notice.

Reasons for decision

11. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
12. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in

this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.

13. Section 10(1) of the FOIA provides that 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. From the information provided to the Commissioner it is evident that the MOJ did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

14. The Commissioner's decision is that the MOJ did not deal with the request for information in accordance with the FOIA. In this case the MOJ has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.
15. At paragraph 3 above the MOJ is now required to respond to the request of 15 September 2015 in accordance with the FOIA.

Other matters

16. As well as finding above that the MOJ is in breach of the FOIA, the Commissioner has also made a record of the delay in this case. This may form evidence in future enforcement action against the MOJ should evidence from other cases suggest that there are systemic issues within the MOJ that are causing delays.

Right of appeal

17. 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

18. 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.
19. 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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