

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 May 2016

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

#### Decision (including any steps ordered)

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1. The complainant made a multi-part request for information to the Ministry of Justice (MoJ) relating to individuals with responsibility for compliance with the Data Protection Act (DPA) and the Freedom of Information Act (FOIA).
2. The Commissioner's decision is that by failing to respond to this request within the statutory timescale the MoJ breached section 10(1) of the FOIA.
3. As a substantive response has been provided to the complainant, the Commissioner does not require any remedial steps to be taken.

#### Request and response

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4. On 19 November 2015, the complainant wrote to the MoJ making a multi-part request for information as set out at Annex A attached to this decision notice.
5. In the absence of a response he wrote to the MoJ on 24 January 2016.
6. Following the Commissioner's intervention, the MoJ responded in a letter dated 20 April 2016:
  - it provided some information within the scope of the request;
  - it refused to confirm or deny holding some of the requested information citing section 40(5) (personal information); and

- it confirmed it holds the remainder but refused to provide it citing the exemptions in sections 40(2) (personal information) and 21 (information accessible to applicant by other means) as its basis for doing so.
7. MoJ apologised to the complainant for the "*unacceptable delay in responding*".

## Scope of the case

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8. The complainant wrote to the Commissioner on 1 April 2016 regarding the MoJ's failure to respond to his request for information dated 19 November 2015.
9. Following that earlier correspondence, and having received the MoJ's response, the complainant contacted the Commissioner on 22 April 2016 confirming that he wished the matter to be concluded formally. He requested a decision notice to record the delay in this case.
10. 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

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### *Section 10 time for compliance*

11. Under section 1(1) of the FOIA, any person making a request for information to a public authority is entitled, subject to other provisions of the FOIA, (a) to be informed in writing by the public authority whether it holds the information requested, and (b) if so, to have that information communicated to him. The section 1(1)(b) duty of the public authority to provide the information requested will not apply where the information is exempt by virtue of any provision of Part II of the FOIA.
12. 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."*
13. The Commissioner finds the MoJ in breach of section 10(1) for failing to respond to the request within the statutory timeframe.

## **Other matters**

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14. 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

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15. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**