

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2017

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

Decision (including any steps ordered)

1. The complainant requested information relating to staff and inmate numbers at HMP Northumberland.
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 (time for compliance).
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

4. On 11 August 2016, the complainant wrote to the MoJ and requested information in the following terms:

"Please provide the following information:

1. The number of full-time equivalent Prison Officers employed at HMP Acklington each year from 2010 to privatisation at the end of 2013. If possible please also provide a breakdown of fully qualified Prisoner Officers and Operational Support Grade Officers.

2. The maximum number of prisoners detained at HMP Acklington in each year from 2010 to privatisation at the end of 2013.

3. *The number of full-time equivalent Prison Officers employed at HMP Castington each year from 2010 to privatisation at the end of 2013. If possible please also provide a breakdown of fully qualified Prisoner Officers and Operational Support Grade Officers.*
 4. *The maximum number of prisoners detained at HMP Castington in each year from 2010 to privatisation at the end of 2013.*
 5. *The number of full-time equivalent Prison Custody Officers (e.g. Sodexo's equivalent of a HMP Prison Officer) employed at HMP Northumberland in each year from privatisation to the current time.*
 6. *The maximum number of prisoners detained at HMP Northumberland in each year from privatisation to the current time."*
5. The MoJ wrote to the complainant on 20 September 2016 advising that a response had been drafted which it was "*looking to issue shortly after it has been checked and cleared*".
 6. The MoJ ultimately advised the Commissioner that it provided its substantive response on 3 January 2017.

Scope of the case

7. Following earlier correspondence regarding the MoJ's failure to respond to his request for information dated 11 August 2016, the complainant contacted the Commissioner on 4 January 2017. He confirmed that he had received the MoJ's response and requested a decision notice to record the delay in this case.
8. The scope of the Commissioner's investigation was to consider whether there had been a breach of section 10(1) by the MoJ in its handling of the complainant's request.

Reasons for decision

Section 10 time for compliance

9. 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."

10. The Commissioner finds the MoJ in breach of section 10(1) for failing to respond to the request within the statutory timeframe.

Other matters

11. 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

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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF