

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 27 March 2017

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

#### Decision (including any steps ordered)

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1. The complainant requested minutes of a specified meeting from the Ministry of Justice (the 'MOJ'). 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 under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
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

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5. On 13 October 2016 the complainant wrote to the MOJ and requested information in the following terms:

*"Under the Fol rules, I request a copy of the minutes of the meeting which took place on Tuesday 4 October 2016 at Leicester MHT HQ,*

*which was attended by Mark Hinchliffe, Elisabeth Portas, Andrea Walker etc."*

6. The MOJ acknowledged receipt of the request on 21 October 2016. It wrote again to the complainant on 14 November 2016 and said it was considering citing section 22 of FOIA as the requested information relates to information intended for future publication, for which it would now need to consider the associated public interest test.
7. The MOJ sent the complainant a number of public interest test extension letters; but did not respond to the request.
8. To date, the MOJ has not responded to the request.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 5 December 2016 to complain about the way his request for information had been handled.
10. The Commissioner contacted the MOJ on 27 February 2017 to query the non-response; she was advised that a response had been drafted and was awaiting clearance. The Commissioner requested a further update and was advised that the response was "*pending*".
11. No substantive response to the request had been provided by the date of this notice.

### **Reasons for decision**

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12. 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.
13. 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.
14. 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*

15. 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. At paragraph 3 above the MOJ is now required to respond to the request of 13 October 2016 in accordance with the FOIA.

**Other matters**

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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

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

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

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