

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 September 2017

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information from the Ministry of Justice (MoJ) regarding the number of prisoners found in possession of extremist Islamic publications not authorised for use in UK prisons.
2. The Commissioner's decision is that the MoJ has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The MoJ must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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 31 March 2017, the complainant wrote the MoJ and requested information in the following terms:

"I would like to know the number of prisoners found in possession of extremist Islamic publications not authorised for use in UK prisons.

Could the information be provided for the past three years:

- 2014/15
- 2015/16
- 2016/17

I would also like the data to be broken down over the following:

- Male prisons
- Female prisons
- Youth prisons"

6. The MoJ acknowledged on 19 May 2017 and apologised for the delay in sending out a response. It stated *"You will receive a reply in the near future"*.

Scope of the case

7. The complainant contacted the Commissioner on 6 July 2017 to complain about the way her request for information had been handled.
8. Following receipt of the complaint the Commissioner contacted the MoJ, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
9. Despite this intervention the MoJ has failed to respond to the complainant.

Reasons for decision

10. Section 10(1) of FOIA states that

"Subject to subsections (2) and (3), 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."

11. As a response has not yet been provided the Commissioner finds that the MoJ has breached section 10(1) in failing to respond within 20 working days.

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

Alun Johnson
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