

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2017

Public Authority: Parole Board for England and Wales

Address: 52 Queen Anne's Gate
London
SW1H 9AG

Decision (including any steps ordered)

1. The complainant has requested information about prisoner recalls from the Parole Board for England and Wales (the "PBEW"). To date he is yet to receive a substantive response. The Commissioner's decision is that the PBEW has failed to provide a response to the request within the statutory time frame of 20 working days. She requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The PBEW 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

3. On 1 August 2017 the complainant wrote to the PBEW and requested the following information:
 - a) How many prisoners who have been recalled back to prison have waited 19 months on a decision on their recall?*
 - b) How many prisoners have waited more than 2 years on a decision on their recall?*
4. The PBEW acknowledged the request on 1 August 2017. To date, no further response has been provided.

Scope of the case

5. The Commissioner received a complaint about the non-response on 25 September 2017. She initially required further information from the complainant, which was received on 25 October 2017.
6. The Commissioner contacted the PBEW on 9 November 2017 to query its non-response to the information request. She asked the PBEW to provide a response to the complainant within 10 working days. The Commissioner also asked the PBEW to acknowledge receipt of her correspondence. It failed to do so.
7. The complainant wrote to the Commissioner again on 24 November 2017 to advise that he had still not received a response. The Commissioner emailed the PBEW on 28 November 2017 and asked it to confirm whether or not a response had been sent. No response to her enquiry was received.
8. Despite the intervention of the Commissioner, the PBEW has not responded to the complainant's request for information by the date of this notice.

Reasons for decision

Section 10 – time for compliance

9. The Commissioner considered whether the PBEW has responded to the request of 1 August 2017 in line with the provisions of the FOIA.
10. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
11. From the information provided to the Commissioner in this case it is evident that the PBEW did not deal with the request for information in accordance with the FOIA. In this case the PBEW has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The PBEW is now required to respond to the request of 1 August 2017 in accordance with the FOIA.

Other matters

12. As well as finding above that the PBEW 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 Home Office

Reference: FS50704648

should evidence from other cases suggest that there are systemic issues within the Home Office that are causing delays.

Right of appeal

13. 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

14. 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.
15. 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
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