

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 January 2018

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

Decision (including any steps ordered)

1. The complainant requested information about what she termed "lawful rebellion" from the Ministry of Justice. At the date of this notice, she has yet to receive a substantive response. The Commissioner's decision is that the Ministry of Justice has failed to provide a response to the request within the statutory time frame of 20 working days and is in breach of sections 1(1) and 10(1) FOIA. The Commissioner requires the Ministry of Justice to comply with the request or issue a valid refusal notice as set out in section 17(1) FOIA.
2. The Ministry of Justice 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 29 August 2017, the complainant wrote to the Ministry of Justice (MOJ) and requested information in the following terms:

"As a British citizen I am commanded by her Majesty under Clause 61 of the Magna Carta to lawfully rebel if any Government ever sells our sovereignty to a foreign power. Heath sold us out as have every Government ever since. I am trying to get access to the paperwork to which I am LEGALLY entitled but the Ministry of Justice are blocking me.

*Will you please tell me why the MOJ are doing this???
You are breaking her Majesty's law!!"*

4. On 14 September 2017, the complainant told MOJ that, when conducting an online search for the information she wanted to see about lawful rebellion, a bar popped up saying 'blocked by the Ministry of Justice'. She has made clear, in this and other correspondence with both the Commissioner and MOJ, that she was attempting to access the information held by MOJ on this subject but has been unable to do so.

Scope of the case

5. The complainant contacted the Commissioner on 25 October 2017 complaining that MOJ had not responded to her request for information it held on lawful rebellion.
6. The Commissioner considered that the complainant had made clear to MOJ, in her initial request and again in her follow up correspondence and multiple telephone calls, that she was seeking the information MOJ held on the subject of lawful rebellion.
7. Despite the intervention of the Commissioner, MOJ had still not responded to the complainant's request for the information by the date of this notice.

Reasons for decision

8. The Commissioner considered whether MOJ had responded to the request of 29 August 2017 in line with the provisions of FOIA.

Section 1 – information held/not held

9. Section 1(1) FOIA states that any person making a request for information is entitled to be informed by the public authority whether it holds the information and, if so, to have the information communicated to him.

Section 10 – time for compliance

10. Section 10(1) FOIA states that, on receipt of a request for information, a public authority should respond to the applicant within 20 working days.
11. Following receipt of the complaint, the Commissioner contacted MOJ on 1 November 2017 to query its non-response to the information request. She asked MOJ to provide a response to the complainant within 10

working days. The Commissioner reminded MOJ that the matter was still outstanding on 20 November 2017, and again on 4, 12 and 18 December 2017; MOJ has yet to respond substantively.

12. From the information provided to the Commissioner in her correspondence with MOJ about this case, it is evident that MOJ did not deal with the request for information in accordance with FOIA. In this case MOJ has breached sections 1(1) and 10(1) FOIA by failing to respond to the request within 20 working days. MOJ is now required to respond to the complainant's information request of 29 August 2017 in accordance with FOIA.

Other matters

13. As well as finding above that MOJ is in breach of FOIA, the Commissioner has also made a record of the delay in this case. The delay in responding to this request will be logged as part of ongoing consideration of the MOJ's non-compliance with FOIA.

Right of appeal

14. 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

15. 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.
16. 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
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