

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 February 2018

**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 information about a court case. The Ministry of Justice (MoJ) refused to confirm or deny whether it held this information and relied on the exemptions provided by sections 32(3) (court records) and 40(5) (personal information) of the FOIA.
2. The Commissioner's conclusion is that the MoJ cited section 32(3) correctly so it was not obliged to confirm or deny whether it held the information requested by the complainant.

### Request and response

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3. On 17 May 2017 the complainant wrote to the MoJ and requested information in the following terms:

*"A - Please confirm that you have all the recorded information stored and managed in your secure data centre system managed by the MoJ Technology directorate for the case ref. nos- [redacted] allegedly issued by the County Court at Barnet.*

*B - Please confirm that all the recorded information contained in the computerised court record for the Barnet County Court case ref. Nos. - [redacted] was directly transferred to the MoJ by the administration of the County Court at Barnet."*

4. The MoJ responded on 15 June 2017. It refused to confirm or deny whether it held the requested information and cited the exemptions provided by sections 32(3) (court records) and 40(5) (personal information) of the FOIA.
5. The complainant responded on 16 June 2017 and requested an internal review. Whilst the MoJ later stated that it had no record of receiving the internal review request, whatdotheyknow.com recorded that the internal review request was delivered. The MoJ failed to respond to the complainant with the internal review outcome.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 29 September 2017 to complain about the refusal of her information request. The complainant indicated that she did not agree with the reasoning given by the MoJ for the refusal of her request.

### **Reasons for decision**

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7. The request in this case is similar to a request for information from another individual which the Commissioner has previously considered. The decision notice in that case (case reference FS50699530) was issued on 29 January 2018.
8. Having considered all the factors applicable to this case, the Commissioner is satisfied that the similarity between the information request in this case and the request in case reference FS50699530 is such that she is able to reach the same decision about the citing of section 32(3) of the FOIA in this case without the need for further analysis.
9. The Commissioner concludes that the MoJ was entitled to rely on section 32(3) in response to the complainant's request and was not, therefore, obliged to confirm or deny whether it held the information requested by the complainant.
10. Having reached this conclusion on section 32(3), it has not been necessary for the Commissioner to also consider section 40(5).

## Right of appeal

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11. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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** .....

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