

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 April 2019

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

Decision (including any steps ordered)

1. The complainant requested information relating to the implementation of electronic communications within the Ministry of Justice (MOJ) and the Upper Tribunal (UT).
2. The Commissioner's decision is that the MOJ has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MOJ to take the following step to ensure compliance with the legislation.
 - The MOJ must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The MOJ must take this step 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 28 December 2018, the complainant wrote to the MOJ and requested information in the following terms:

"Please provide me with following information: -

a) Copies of all studies, reports, recommendations, plans and similar/equivalent within the MoJ related to the pros and cons and implementation of electronic communications, i) within the MoJ generally and ii) within the UT in particular

Electronic copies of the above reports, studies, recommendations, plans, etc. will be acceptable."

6. The complainant contacted the MOJ on 31 January 2019 regarding the overdue response to his request.
7. The MOJ apologised for the delay on 1 March 2019, assuring the complainant that work on the request was ongoing and that it would respond as soon as possible.
8. To date, the MOJ has failed to provide a substantive response to the request.

Scope of the case

9. The complainant contacted the Commissioner on 4 March 2019 to complain about the MOJ's failure to respond to his information request.
10. On 28 March 2019 the Commissioner wrote to the MOJ, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. Despite this intervention the MOJ failed to respond to the complainant.
11. The Commissioner has considered whether the MOJ has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

12. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

13. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
14. From the evidence provided to the Commissioner in this case, it is clear that the MOJ did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MOJ has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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

16. 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.
17. 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
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