

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 July 2019

**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 relating to the role of the Chamber President of the Upper Tribunal (Administrative Appeals Chamber).
2. The Commissioner's decision is that the Ministry of Justice (MOJ) breached section 10(1) of the FOIA by failing to comply with section 1(1) within the statutory time for compliance.
3. The Commissioner does not require any steps to be taken in respect of this request.

#### Request and response

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4. On 1 March 2019, the complainant wrote to the MOJ and requested information in the following terms:

*"Please provide e-copies of all the following documents related to the position of UT (AAC) Chamber President [content redacted]:*

*a) Job Description and Person Specification*

*b) Duties, Roles and Responsibilities.*

*c) Position in the Management & in the Reporting structures of i) the UT and of ii) the UT (AAC)."*

5. The MOJ responded to the request on 21 March 2019. It provided links to its website and directed the complainant to access the information there.
6. The complainant wrote to the MOJ on 21 March 2019 to express his dissatisfaction with the response and asked it to review the matter. Specifically, he explained that he did not consider that the information he had requested was available on the MOJ's website through the links it had provided.
7. Following the Commissioner's intervention, the MOJ provided an internal review response on 20 June 2019 in which it provided the requested information. It explained that its initial response had been handled outside the FOIA and acknowledged that its initial response did not provide the requested information.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 13 May 2019 to complain about the MOJ's handling of his information request. However, at this time the MOJ had not yet completed its internal review.
9. On 28 May 2019 the Commissioner wrote to the MOJ, reminding it of its responsibilities and recommending it provide the outcome of its internal review within 20 working days.
10. The complainant wrote to the Commissioner again on 1 July 2019 to request a decision notice regarding the time taken for the MOJ to provide the requested information.
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**

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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. In this case the request was made on 1 March 2019 but the information was not provided until 20 June 2019.
- 15. From the evidence provided to the Commissioner in this case, it is clear that MOJ did not deal with the request for information in accordance with the FOIA. In failing to provide the requested information within 20 working days the MOJ has breached section 1(1) and section 10(1) of the FOIA.

## Right of appeal

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16. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**