

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 November 2021

Public Authority: Ministry of Justice (The County Court at Central London)

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information regarding court files at the County Court at Central London between 2018 and 2020. By the date of this notice, the Ministry of Justice ("the MoJ) had not issued a substantive response to this request.
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 provide 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 15 February 2021, the complainant wrote to the MoJ and requested information in the following terms:

"Please provide the following information, for the past two years, (2018-2020)

- 1. What is the time limit in which to offer a file view and set a file view date*
 - 2. How many: Solicitors and their staff, barristers, barristers' Clerks, legal executives (lawyers) have made request(s) to view their client's court file*
 - 3. In relation to the lawyers, please set out the number of occasions, you have taken around 24 months to offer a file view and,*
 - 4. Fix a date for to view the Court file,*
 - 5. The number of complaints received from lawyers and litigants in person for not offering and fixing a date for a file view in accordance with your time scales for a file view or any other time limit*
 - 6. The number of litigants in person where you have taken 24 months to allow their request(s) to view the court file,*
 - 7. Is it just me?*
 - 8. When will I be allowed to view the court file?*
 - 9. For the last two years, in the absence of any appeal, the number of files that has been transferred to the Civil Appeal Office and (2) the High Court*
 - 10. How are the above files returned to Central London County Court?*
 - 11. Why are the above files returned to Central London County Court?*
 - 12. Has there been any file view for the above files, please state the number?*
 - 13. What were the status of the Court users (lawyers or litigants in person) requesting the file views?*
 - 14. How long did it take to arrange a file view for the lawyers and litigants in person?*
 - 15. Set out the reasons for any disparity in timescales between lawyers and litigants in person."*
6. The MoJ acknowledged the request on 2 March 2021. To date, a substantive response to the request has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 28 July 2021 to complain about the MoJ's failure to respond to their request.
8. 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

9. 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."

10. 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"*.
11. On 10 September 2021 the Commissioner wrote to the MoJ, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention, the MoJ has failed to respond to the complainant.
13. 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

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF