

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 21 November 2022

**Public Authority:** Northern Ireland Courts and Tribunals Service

**Address:** Informationaccessnicts@courtsni.gov.uk

### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to plaintiffs who are public officials in the six libel actions. The Northern Ireland Courts and Tribunals Service (NICTS) confirmed that it did not hold the information requested.
2. The Commissioner's decision is that on the balance of probabilities, NICTS does not hold the information. He does not require NICTS to take any action.

### **Request and response**

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3. The complainant requested information in the following terms:
4. "...can you please advise how many (if any) of the plaintiffs in the six libel actions cited for the relevant period (1/11/2021–31/1/2022) are public officials? Public official is defined as: government ministers, representative members of a legislature, civil servants, local government members or officials, or otherwise, any office holder who discharges a duty in which the public are interested, and who are paid out of a fund provided by the public. If possible, please specify the type of public official of any and each plaintiff who falls into that category."
5. The complainant made an additional request for the following:
6. "Can you please also include in the response to come before 1 April, the name of each public official plaintiff in that time frame?"
7. NICTS responded and confirmed that it did not hold the requested information. It explained that there is no provision to record public officials in the manner specified, nor is the status of the plaintiff stated on the Writ of Summons.

8. Following an internal review NICTS maintained its original position.

### **Reasons for decision**

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9. This reasoning covers whether NICTS stated correctly that it does not hold any information falling within the scope of the complainant's request.
10. In their complaint to the Commissioner, the complainant stated that they no longer wish to pursue the second part of the request, which asked for the names of the public officials to be provided. For the purposes of this decision notice, the Commissioner has considered only the first part of the complainant's request.
11. In its submissions to the Commissioner, NICTS explained that at the time of the complainant's request, it did not hold the information. NICTS stated that it does not have a mandatory requirement to record the category of plaintiff in libel cases. However it has carried out further searches which has revealed that the information sought by the complainant is not held.
12. The Commissioner accepts NICTS's explanation and on this basis, his conclusion is that on the balance of probabilities, NICTS does not hold the requested information.

## Right of appeal

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

14. 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.
15. 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 .....**

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