

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

### **Decision notice**

**Date:** 25 July 2022

**Public Authority:** Crown Prosecution Service  
**Address:** 102 Petty France  
London  
SW1H 9EA

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

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1. The complainant requested information from the Crown Prosecution Service (CPS) about individuals who had made a particular decision.
2. The Commissioner's decision is as follows:
  - The CPS breached section 10(1) of FOIA as it did not provide a response to the request within the statutory timeframe of 20 working days.
3. The CPS has responded to the request and no steps are required.

#### **Request and response**

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4. On 10 June 2022, the complainant wrote to the CPS and requested information in the following terms:

"...I refer to the recent decision of the BSB suspending prosecution counsel Timothy Raggatt QC it being reported that :

"Timothy Raggatt QC `decided together with others in the prosecution team and/or advised the Crown Prosecution Service not to disclose' the existence of surveillance material which undermined a key prosecution witness, the Bar Tribunals & Adjudication Service (BTAS) found."

Please provide details of the names of the others in that prosecution team that were considered by the BSB to be involved in making the decision not to disclose the existence of the material which undermined a prosecution witness and led to a wrongful conviction to include whether those named persons were solicitors or barristers and bear in mind the interests of justice fall on the side of this requested information being disclosed so that it can be ascertained whether those others have been involved in any other cases where convictions have been called into question or could be called into question.”

## **Scope of the case**

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5. The complainant contacted the Commissioner on 10 July 2022 because, at that point, they had not received a response to the request.
6. The Commissioner contacted the CPS on 18 July 2022 who advised him the same day that it had provided a response to the complainant's request on 13 July 2022.
7. The Commissioner advised the complainant that he had recorded the CPS' breach of section 10(1) and indicated that the case would be closed. The complainant was dissatisfied with that approach and requested a decision notice.
8. The Commissioner's investigation has focussed on the CPS's obligation under section 10(1) of FOIA.

## **Reasons for decision**

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### **Section 10 – time for compliance**

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to them if it is held and is not subject to an exemption.
10. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
11. The complainant submitted their request to the CPS on 10 June 2022 and the CPS provided a response to it on 13 July 2022. The CPS therefore breached section 10(1) with regards to this request.

## Right of appeal

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12. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

13. 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.
14. 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

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