

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 April 2023

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

Decision (including any steps ordered)

1. The complainant requested information on the demographics of convicted individuals. 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 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 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 21 December 2022, the complainant wrote to the MOJ and requested information in the following terms:

"Where we use the term "**Relevant Borough**" below, we mean any of the London boroughs of: Lambeth, Lewisham, Southwark, Croydon, Westminster, Newham, Tower Hamlets, Hackney, Waltham Forest, Camden, Islington, Haringey, Enfield, Barking & Dagenham, Redbridge, Greenwich, Ealing, Wandsworth, Hammersmith & Fulham, Barnet, Brent, Bromley and Hounslow.

1. Please provide the total number of individuals who:

- a. were released from prison on licence during the period 1 February 2019 to 31 March 2022 (inclusive);
- b. prior to release, had been serving a custodial sentence for any offence;
- c. were released from a prison in a Relevant Borough;
- d. on release were managed by London Probation Service; and
- e. were adults (18+ years old) at the time they were released from prison.

2. Please provide a demographic breakdown of the cohort identified in response to question 1 by:

- a. sex/gender;
- b. ethnicity; and
- c. age.

3. Please provide the total number of individuals:

- a. convicted of any offence;
- b. at a London court;
- c. during the period 1 February 2019 to 31 March 2022 (inclusive).

4. Please provide a demographic breakdown of the cohort identified in response to question 3 by:

- a. sex/gender;
- b. ethnicity; and
- c. age."

6. The MOJ acknowledged the request on 4 January 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of 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.”
8. Section 10(1) of 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”.
9. On 24 March 2023 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.
10. Despite this intervention, the MOJ has failed to respond to the complainant.
11. 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 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 FOIA.

Right of appeal

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@justice.gov.uk

Website: 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

Michael Lea
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