

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 November 2023

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Justice (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 14 June 2023, the complainant wrote to the public authority and requested information in the following terms:

"Pursuant to provision of freedom of information Act 2000 a full disclosure of held information is sought on /about/in relation to/ or concerning measure known to MOJ shall/should/could/had/has taken in respect of protocols/norms/requirements subjecting filing/submission/processing/ admission/ acceptance of a claim/application/ or other standard forms in use in the justice system which is necessary/used/applicable to process of access to justice system/court system, in which the applicant/claimant/or the party initiating a proceeding is asked for/required to provide/furnish MOJ/a court office/ administrative centre with a postal address, to allow for the rule of law/access to justice/ access to court not adversely be affected and to guarantee that MOJ operational measure and administrative standards are not to the detriment of individuals who are not in a position to provide a geographical address for any reason i.e. no fix abode/ homeless/ stateless/etc.

In other words, what have you done to secure access to justice for people who have no address.

Please don't provide details of what voluntary bodies may or could do."

6. On 7 August the public authority requested clarification in the following terms:

"The MOJ is a large government department, consisting of MOJ headquarters and executive agencies including HM Courts and Tribunal Services, HM Prison and Probation Service, Legal Aid Agency and Office of the Public Guardian. So that I provide you with the right information, please can you confirm exactly which business area of the MoJ your request relates to."

7. On 7 August 2023 the complainant clarified the request in the following terms:

"I can Confirm the disclosure sought is aimed at information held in respect of access to justice system with the meaning of HM Courts and Tribunal Services.

That is information regarding accessing and using HM Courts and Tribunals offices and services by way of using standard forms and applications serving such purposes by individuals (potential litigants in person) who are either stateless, homeless, of no fix abode or otherwise for whatever reason have no geographical address for purposes of filling the relevant part of standard forms in use by the Court's offices with any geographical (e.g. house number, street name, town, post code) address details."

Reasons for decision

8. 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."

9. 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".

10. On 17 October 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

11. Despite this intervention the public authority has failed to respond to the complainant.

12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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.

Other Matters

13. If the public authority considers that the revised request of 7 August 2023 remains unclear or too broad, it should be mindful of its obligations under section 16 of FOIA to advise and assist the complainant to submit a request that is clearer or narrower (or both).

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-regulatorychamber

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

Roger Cawthorne
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