

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 10 August 2011

Public Authority: The Supreme Court of the United Kingdom
Address: Parliament Square
London
SW1P 3BD

Summary

The complainant requested confirmation of whether The Supreme Court held copies of various Acts, statutory instruments and Schedules. The Supreme Court confirmed that it had access to all UK legislation. The Commissioner finds that in giving an answer to the complainant the Supreme Court have provided the information requested and have complied with the request. The Commissioner does not require any further steps to be taken.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

The Request

2. On 16 February 2011 the Supreme Court received a fax from the complainant making various comments as well as requests for information under the Data Protection Act 1998 and the Freedom of Information Act 2000. This Notice deals with the request made under the Freedom of Information Act for confirmation that the Supreme Court had access to various Acts, Statutory Instruments and Schedules.
3. The Supreme Court responded to the complainant on 22 February 2011 and confirmed that it did have access to all UK legislation.

4. The complainant requested an internal review of the decision and on 18 March 2011 the Supreme Court informed him that it maintained its original response that it had answered his request and provided the information, namely the confirmation that it did have access to the various pieces of legislation.

The Investigation

Scope of the case

5. On 24 May 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled.
6. The Commissioner reviewed the content of the complaint together with the original response and internal review from the Supreme Court. The Commissioner has made an objective reading of the request and has determined that the scope of the information requested in this case is the *confirmation* that the Supreme Court has access to various pieces of legislation.
7. The scope of the case is therefore to establish whether the Supreme Court have complied with section 1 of the Act in providing the information within the scope of the request.
8. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Analysis

General Right of Access

Section 1(1) provides 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. The complainant requested confirmation of whether the Supreme Court had access to various pieces of legislation.

10. The Commissioner notes that the Supreme Court answered the request in confirming that it does have access to all UK Acts, Statutory Instruments and Regulations.
11. The Commissioner has considered the information that has been disclosed to the complainant (namely, confirmation that the Supreme Court does have access to all UK legislation) and has also considered whether, in providing that confirmation, it has complied with its obligations under the Act.
12. The Commissioner is of the view that the Supreme Court has provided the information within the scope of the request and that there is nothing further which he can investigate.
13. The Commissioner has accordingly determined that the Supreme Court has complied with its obligations under section 1(1) of the Act.

The Decision

14. The Commissioner's decision is that the public authority dealt with the request for information in accordance with the Act.

Steps Required

15. The Commissioner requires no steps to be taken.

Right of Appeal

16. 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,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

17. 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.
18. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 10th day of August 2011

Signed

**Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

General Right of Access

Section 1(1) provides 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."

Section 2(3) provides that –

"For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption –

- (a) section 21
- (b) section 23
- (c) section 32
- (d) section 34
- (e) section 36 so far as relating to information held by the House of Commons or the House of Lords
- (f) in section 40 –
 - (i) subsection (1), and
 - (ii) subsection (2) so far as relating to cases where the first condition referred to in that subsection is satisfied by virtue of subsection (3)(a)(i) or (b) of that section,
 - (iii) section 41, and
 - (iv) section 44"