

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 August 2015

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

Decision (including any steps ordered)

1. The complainant requested information relating to a court proceeding. The Ministry of Justice (MoJ) failed to respond to this request.
2. The Commissioner's decision is that the MoJ breached sections 1(1) and 10(1) of the FOIA in failing to respond and it is now required to provide a response.
3. The Commissioner requires the MoJ to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. The MoJ must take these steps 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 the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 30 July 2015 the complainant wrote to the MoJ and requested information in the following terms:

"Re. case No. T20140525, Regina v [redacted].

We understand [redacted] was due to appear before York Crown Court on 5th May 2015, for a 'Plea & Directions' hearing.

Would you please inform us if the hearing took place, & if so, whether the prosecution is continuing? If so, what were the specific charges, &

what decisions were made.

If the prosecution is continuing, & if bail was not granted, would you please inform us what reasons (if any) were given for refusing bail?

If [redacted] had legal representation, would you please give us contact details whereby we can get in touch with them?"

6. By the date of this decision notice the MoJ had failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 23 July 2015 to complain about the failure of the MoJ to respond to his information request.
8. The ICO contacted the MoJ on 30 July 2015 and asked it to respond to the complainant's request within 10 working days. The MoJ did not respond.

Reasons for decision

Sections 1 and 10

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the 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. In this case the MoJ has breached sections 1(1) and 10(1) by failing to respond substantively to the request within 20 working days. At paragraph 3 above the MoJ is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

11. As well as issuing this notice, the Commissioner has made a separate record of the failure by the MoJ to respond to the complainant's request. This issue may be revisited should evidence from other cases suggest that this is necessary.

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: <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

Jon Manners
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Wilmslow
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