

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2016

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

Decision (including any steps ordered)

1. The complainant requested information relating to archived digital records.
2. The Ministry of Justice (MoJ) failed to respond to this request for information within the statutory timeframe. The Commissioner's decision is that in doing so MoJ breached sections 1(1) and 10(1) of the FOIA.
3. As MoJ has now responded, the Commissioner requires no further steps to be taken.

Request and response

4. On 8 September 2015 the complainant wrote to the MoJ and requested information in the following terms:

"In your letter, you say:-

"The hardcopy file held at Liverpool Employment Tribunal has been destroyed. The digital records held on our case management system have been archived and now contain limited, anonymous data. These actions are in line with our retention and destruction policies."

I am making a request under the FOI Act and DPA for this digital information. Please send it to me electronically or to the address

you have for me on your system. I shall not be providing you with an address.....".

5. MoJ responded on 12 October 2015. It neither confirmed nor denied holding the requested information, citing sections 32(3) (court records) and 40(5) (personal information) of FOIA.
6. The complainant complained to MoJ about the timeliness of its handling of the request.
7. Following an internal review of that aspect of its handling of the request, MoJ wrote to the complainant on 11 November 2015.

Scope of the case

8. The complainant provided the Commissioner with the relevant documentation on 1 December 2015 to complain about the timeliness with which MoJ responded to his request for information.

Reasons for decision

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.
10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and 'no later than the twentieth working day following the date of receipt'.
11. In this case MoJ breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Other matters

12. The delay in responding to this request will be logged as part of ongoing monitoring of the MoJ's compliance with the FOIA.

Right of appeal

13. 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: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF