

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 November 2017

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information from the Ministry of Justice (MoJ) regarding the current status of the 'SP' inquiry.
2. The Commissioner's decision is that the MoJ has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The MoJ must issue a response to the request in accordance with its obligations under the FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

Request and response

5. On 26 April 2017, the complainant wrote to the MoJ and requested information in the following terms:

"In 2009 the Ministry of Justice commissioned Barbara Stow to conduct a public inquiry in accordance with Article 2 of the European Convention on Human Rights into the treatment in prison of a woman known as "SP". Although it was reported that some evidence had been taken, and that public hearings would take place, there have been no further public

announcements about hearings or outcomes. I wrote to the MoJ almost 2 months ago inquiring about the current status of the inquiry but no information has been forthcoming.

This email is a formal request in accordance with the Freedom of Information Act asking for disclosure of the current status of the inquiry or, if it has been concluded, details of its findings."

6. The MoJ has not responded to the request despite the complainant chasing a response.

Scope of the case

7. The complainant contacted the Commissioner on the 18 July 2017 to complain about the way his request for information had been handled.
8. Following receipt of the complaint the Commissioner contacted the MoJ on the 11 August 2017, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
9. On the 4 September 2017 the MoJ advised the Commissioner that they were treating the request as "Treat Official Correspondence".
10. The complainant contacted the Commissioner again on 24 October 2017 to ask about the status of his complaint.
11. The Commissioner contacted the MoJ on another two occasions on the complainant's behalf.
12. Despite these interventions the MoJ has failed to respond to the complainant.

Reasons for decision

13. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

14. As a response has not yet been provided the Commissioner finds that the Ministry of Justice has breached section 10(1) in failing to respond within 20 working days.

Right of appeal

15. 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

16. 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.
17. 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

Alun Johnson
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Cheshire
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