

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 March 2018

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

Decision (including any steps ordered)

1. The complainant has requested various statistical information regarding pregnant prisoners.
2. The Commissioner's decision is that the Ministry of Justice ("the MOJ") has breached section 10(1) of the 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 steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
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 Act and may be dealt with as a contempt of court.

Request and response

5. On 18 August 2017, the complainant wrote to the MOJ and requested information in the following terms:

Do you have statistics for the number of women prisoners who are pregnant? How many women have had babies while in prison in the last 12 months? How many of such births have been live births? How

many such births were by C-section? What was the age of mother at birth? How many births were to first-time mothers? How many mothers had episiotomies?

6. The MOJ failed to provide any acknowledgement or response.
7. The complainant wrote to the MOJ on 7 October 2017 to chase a response, but received no reply. On 18 November 2017 the complainant wrote again to the MOJ to chase a response, he also copied his correspondence to the MP appointed as Parliamentary Under Secretary of State for Prisons and Probation. An acknowledgement was issued from the MP's email account confirming that they only dealt with constituency matters and that the correspondence had been forwarded to his Ministerial Office.
8. On 20 December 2017, the complainant requested an internal review of the time taken to respond. To date, no response to either the original request or the request for an internal review has been provided.

Scope of the case

9. The complainant contacted the Commissioner on 26 January 2018 to complain about the way his request for information had been handled.
10. On 20 February 2018 the Commissioner wrote to the MOJ. She asked it to provide a substantive response to the complainant within 10 working days.
11. The complainant contacted the Commissioner on 8 March 2018 confirming that no response had been issued.

Reasons for decision

12. Section 1(1) of the 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.*

13. 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."*
14. Despite the intervention of the Commissioner, the MOJ has not responded to the complainant's request.
15. From the evidence provided to the Commissioner in this case, it is clear that the MOJ did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MOJ 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 the FOIA.

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,
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

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.

Signed

Alun Johnson
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