

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 October 2018

Public Authority: Parole Board for England and Wales

Address: 53 Queen Anne's Gate
London
SW1H 9AG

Decision (including any steps ordered)

1. The complainant requested details of expenses claimed by members of the Parole Board's management committee.
2. The Commissioner's decision is that the Parole Board for England and Wales (the PBEW) 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 PBEW to take the following step to ensure compliance with the legislation.
 - The PBEW must issue a response to the request in accordance with its obligations under the FOIA.
4. The PBEW must take this step 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 30 March 2018, the complainant wrote to PBEW and requested information in the following terms:

"Please provide me with details of expenses claimed by members of the Parole Board's management committee during the financial year 2017/18:

- *Professor Nick Hardwick, Chair*
- *Martin Jones, Chief Executive Officer*
- *Faith Geary, Director of Business Improvement and Development*
- *Stephanie McIntosh, Director of Member Development and Practice*
- *John Saunders, Judicial Vice Chair*
- *Cedric Pierce, Vice Chair*
- *Dale Simon CBE, Non-Executive Committee Member*
- *Caroline Corby, Non-Executive Committee Member*
- *Gary Sims, Non-Executive Committee Member*
- *Simon Ash, Parole Board Member*
- *Jodi Berg, Parole Board Member*

For each member, please provide a breakdown of each claim, including a) date of the claim b) what the claim was for c) the cost"

6. As the response was overdue, the complainant contacted the PBEW on 24 May 2018 to request an update.
7. On 4 June and 13 July 2018 the PBEW apologised for the delay, it confirmed that work on the request was ongoing and a response would be provided as soon as possible.

Scope of the case

8. The complainant contacted the Commissioner on 7 August 2018 to complain about the PBEW's failure to respond to her information request.
9. On 23 August 2018 the Commissioner wrote to the PBEW, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

10. Despite this intervention PBEW has, to the date of this notice, failed to respond to the complainant.

Reasons for decision

11. Section 1(1) of 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."

12. 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."*
13. From the evidence provided to the Commissioner in this case, it is clear that the PBEW did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the PBEW 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

14. 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

15. 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.
16. 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

Ben Tomes
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