

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 January 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 the competition to select the providers of a new electronic monitoring service in England and Wales.
2. The Ministry of Justice (MoJ) failed to respond within the 20 working day limit thereby breaching section 10 of the FOIA.
3. As the MoJ has now responded, the Commissioner requires no further steps to be taken.

Request and response

4. On 24 July 2014 the complainant wrote to MoJ requesting information relating to the competition to select the providers of a new electronic monitoring service in England and Wales:

"I write with reference to the OJEU contract notice 2012/S-30-048585 for Electronic Monitoring Services – monitoring hardware (anklets etc.) and firmware and software and the subsequent sole sourced announcement of 16 July 2014.

Please provide the following:

- *The Document Index containing the titles and identifiers of the project library established to support the Contract Notice 2012/S-30-048585 and the subsequent sole source procurement; and*

- *Specification for all of suppliers' solutions at Q3 2013 submitted prior to the selection of Buddi under the Contract Notice 2012/S-30-048585 and the subsequent sole source procurement".*
5. MoJ responded on 22 October 2014, providing the complainant with the requested information.

Scope of the case

6. The complainant initially contacted the Commissioner on 16 October 2014 to complain about the way his request for information had been handled. Specifically, he brought to the Commissioner's attention the fact that MoJ had not provided a substantive response to his request for information.
7. Having considered MoJ's response of 22 October 2014, the complainant contacted the Commissioner on 11 November 2014 confirming that he wished to complain about the timeliness of the response.
8. The Commissioner has considered whether there has been a breach of section 10(1) by the MoJ in its handling of the complainant's request.

Reasons for decision

Section 1 general right of access

Section 10 time for compliance

9. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
10. The Commissioner asked MoJ to explain why it failed to respond to the complainant within the statutory timescale. MoJ apologised for the delay, explaining that the request had been received at a particularly busy time.
11. It described the process involved in disclosing the requested information – a process which involved several steps. MoJ told the Commissioner, that, as part of that process, documents '*of considerable length*' had to be carefully reviewed. With respect to that part of the process, MoJ told the Commissioner:

"The review of these documents was not straightforward and took longer than expected".

Conclusion

12. The Commissioner's decision is that the MOJ did not deal with the request for information in accordance with the FOIA. It breached section 10(1) of FOIA by failing to provide a substantive response to the request within the statutory timeframe of 20 working days.

Other matters

13. The Commissioner has made a record of the delay in this case. This may form evidence in future enforcement action against the MoJ should evidence from other cases suggest that there are systemic issues within the MoJ that are causing delays.
14. The Commissioner notes that MoJ has advised that it has reminded staff of MoJ's obligations under FOIA and the importance of responding to requests within the statutory timeframe.

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

Jon Manners
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF