

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 May 2015

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

Decision (including any steps ordered)

1. The complainant requested information from the Ministry of Justice (MoJ) relating to emails about the death of a named individual.
2. MoJ failed to respond to this request for information and the Commissioner's decision is that in doing so MoJ breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation:
 - respond to the request.
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 14 February 2015 the complainant wrote to MoJ and requested information in the following terms:

"Please provide copies of all emails sent and received by Michael Spurr on February 5, February 6, February 7 and February 8, 2015, in relation to the death of [name redacted]."

6. The complainant wrote to MoJ on 16 March 2015 chasing for a response.
7. At the time of writing MoJ had failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on 18 March 2015 to complain about the failure of MoJ to respond to his request.

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 has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

12. 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

13. 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.
14. 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
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Wilmslow
Cheshire
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