

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 November 2015

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information relating to courts allocation of prisoners to prisons.
2. The Ministry of Justice (MOJ) failed to respond to this request for information and the Commissioner's decision is that in doing so the MOJ breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the MOJ to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 9 June 2015, the complainant wrote to the MOJ and requested information in the following terms:

"Please can you send me the details of every court in England and Wales and which prison that court allocates prisoners too.

For example if an individual gets remanded into custody or receives a sentence of custody they will then be allocated to a prison.

Which prison does each and every court in England and Wales allocate Males, Females, Young Offenders and Juveniles.

I only require the name of the said court and where it allocates Males, Females, Young Offenders and Juveniles.

Lastly please can you send me the policy on what the process is when the court needs to book a placement for a prisoner. Is this done electronically, telephone call, e-mail and how can the relevant prison know of any markers vulnerabilities etc."

6. At the time of writing the MOJ had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 8 September 2015 to complain about the failure of the MOJ to respond to his request.

Reasons for decision

8. 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.
9. 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".
10. In this case the MOJ has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

11. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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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