

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 February 2016

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant submitted a request for information to the Ministry of Justice (the 'MOJ') for a list of MPs who are Freemasons and associated details. By the date of this notice, the MOJ has yet to provide a substantive response to this request.
2. The Commissioner's decision is that the MOJ breached sections 1 and 10 of the FOIA in that it failed to provide a valid response to the request within 20 working days of receipt.
3. The Commissioner requires the MOJ to take the following steps to ensure compliance with the legislation:
 - issue a response to the request set out in paragraph 5
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 21 December 2015 the complainant wrote to the MOJ and requested information in the following terms:

"Please supply me with the list of the elected Members of Parliament for England, Scotland, Wales and Northern Ireland who are

Freemasons and the name, address and number of the Members' lodge."

6. The complainant provided the Commissioner with a copy of the Royal Mail 'proof of delivery' which showed that his request had been signed for on 29 December 2015.
7. In the absence of a response, the complainant wrote again to the MOJ on 25 January 2016, reminding it of the need to provide a response.
8. No substantive response to the request had been provided by the date of this notice.

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 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.
11. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt. From the information provided to the Commissioner it is evident that the MOJ did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

12. In this case the MOJ has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.
13. At paragraph 2 above the MOJ is now required to respond to the request of 21 December 2015 in accordance with the FOIA.

Other matters

14. As well as finding above that the MOJ is in breach of the FOIA, the Commissioner has also 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.

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
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF