

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 May 2017

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 in England and Wales.
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.
 - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
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 17 November 2016, the complainant wrote to the MoJ and requested information in the following terms:

"Can you please provide this information for each court in England and Wales from 1st November 2015 – 1st November 2016.

- *How many bookings have been made by the Ministry of Justice to GEOamey?*
 - *How many times have defendants arrived at court later than their scheduled court hearing?*
 - *How many court time has been lost from delays in defendants arriving in court?"*
6. At the date of this decision notice, the MoJ had yet to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on the 2 February 2017 to complain about the way his request for information had been handled.
8. The Commissioner considers the scope of this decision notice to be MoJ's compliance with section 1(1) and section 10(1) of the FOIA.

Reasons for decision

9. The Commissioner wrote to the MoJ on 30 March 2017 and asked it to respond to the complainant's request within 10 working days. Despite this, neither the Commissioner nor the complainant received any response from the MoJ.
10. 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.
11. 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*".
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.

Right of appeal

13. 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

14. 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.
15. 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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