

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 September 2017

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested information from the Ministry of Justice (MoJ) regarding information about recalls to prison of offenders convicted of terrorism offences.
2. The Commissioner's decision is that the MoJ has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The MoJ must issue a response to the request in accordance with its obligations under the FOIA.
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 27 February 2017, the complainant wrote to the MoJ and requested information in the following terms:

"How many offenders convicted of terrorism or terrorism-related offences have been released from prison since Jan 1st, 2007?"

Please provide a table setting out the month and year of each release, the offences each individual had been convicted of and the sentences they were serving.

How many offenders convicted of terrorism or terrorism-related offences have been recalled to prison following release on licence since Jan 1st 2007?

Please provide in each case the month and year of the recall; the original offences the individual had been convicted of and the sentence they had been serving."

6. The MoJ responded on 22 March 2017. It stated that it held the information requested but cited section 12, exceeds the cost limit, as the reason for not complying with the request.
7. The MoJ provided advice and assistance under section 16 and suggested refining the request.
8. On 22 March 2017 the complainant wrote to the MoJ and stated *"I would like to refine my request to cover 2010 onwards"*.
9. The MoJ acknowledged the refined request on 23 March 2017 and said it would be treated as a new request.

Scope of the case

10. The complainant contacted the Commissioner on 6 July 2017 to complain about the way his refined request for information of 22 March 2017 had been handled.
11. Following receipt of the complaint the Commissioner contacted the MoJ, reminding it of its responsibilities and asking it to respond to the complainant within 10 working days.
12. Despite this intervention the MoJ has failed to respond to the complainant.

Reasons for decision

13. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), 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."

14. As a response has not yet been provided the Commissioner finds that the Home Office has breached section 10(1) in failing to respond within 20 working days.

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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF