

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 28 November 2017

**Public Authority:** Ministry of Justice

**Address:** 102 Petty France

London

SW1H 9AJ

### Decision (including any steps ordered)

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1. The complainant requested information relating to the Ministry of Justice (MoJ)'s procedure for responding to letters from the public as well as statistical information relating to offenders on drug charges.
2. While the MoJ provided a response, it did so outside of the required 20 working day timescale of the FOIA.
3. The Commissioner's decision is that, in failing to respond to the request within the statutory timescale, the MoJ breached section 10(1) of the FOIA.
4. As a response has been provided, the Commissioner does not require the MoJ to take any further steps.

### Request and response

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5. On 22 April 2017, the complainant wrote to the MoJ, specifically the Minister for Prisons, and requested information in the following terms:

*"What is the civil procedure at the Ministry of Justice for ensuring that letters from the public are responded to within twenty working days, as required by law?"*

*How many people are serving prison sentences for drug related offences in England and Wales?*

*What is the average term of imprisonment actually served by drug offenders prior to release on parole?*

*How many drug offenders are released on parole and become recidivists returned to prisons?"*

6. Following further correspondence to the MoJ regarding his request for information, the MoJ ultimately responded on 31 August 2017.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 14 July 2017 to complain that he had not received a response to his requests.
8. The Commissioner wrote to both the complainant and the MoJ regarding his complaint as a result of which the complainant advised that the MoJ had provided a response.
9. In the circumstances, the Commissioner did not consider it an appropriate use of her regulatory resources to engage with the MoJ in further correspondence regarding whether the request had been received and a response provided.
10. The complainant was dissatisfied and requested a decision notice to record the delay.

### **Reasons for decision**

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11. Section 1(1) of the FOIA states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.
12. Section 10(1) of the FOIA states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.
13. The Commissioner does not need to serve a decision notice in an individual case in order to use that case as evidence for future enforcement action. However, should a complainant request the Commissioner to issue a decision notice for a specific complaint, she will do so.
14. From the information provided to the Commissioner in this case it is evident that the MoJ did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

### **Other matters**

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15. Regarding the delay in responding to this request, the MoJ advised:

*"The Ministry of Justice handles requests for recorded information under the Freedom of Information Act 2000 and have a dedicated Disclosure Team that processes these types of requests to ensure we comply with the Act. Due to an administrative oversight, [this request] was not brought to this team's attention in a timely manner and consequently there was a delay with processing this particular request".*

16. The delay in responding to this request will be logged as part of ongoing consideration of the MoJ's non-compliance with the FOIA.
17. The Commissioner understands that the request in this case was made to the Minister for Prisons. The Commissioner would advise that any future requests for information held by the MoJ are made to the MoJ's dedicated disclosure team.
18. She is satisfied that the complainant has been provided with the relevant contact details.

## Right of appeal

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19. 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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**