

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 February 2018

Public Authority: Ministry of Justice
Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant has requested an updated version of the Bailiff Manual from the Ministry of Justice.
2. The Commissioner's decision is that the Ministry of Justice has breached Sections 1 and 10 of the FOIA in that it has failed to provide a valid response to the request within 20 working days of receipt.
3. The Commissioner requires the Ministry of Justice to take the following step to ensure compliance with the legislation.
 - Respond to the complainant's request dated 11 May 2017 under FOIA.
4. The Ministry of Justice must take this step 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 11 May 2017 the complainant wrote to the Ministry of Justice (MoJ) and requested information in the following terms:

'I would like to have an updated version of the Bailiff Manual provided in the previous FOI request 95865 in 2015'.

6. In the absence of a response, the complainant wrote to the MoJ again on 31 August 2017 and 27 November 2017.

Scope of the case

7. The complainant contacted the Commissioner 1 December 2017 to complain that the MoJ had failed to respond to his request despite a couple of reminders.
8. The Commissioner contacted the MoJ on 18 January 2018 and stated that should it not issue a substantive response to the complainant's request within the next 14 days she would have no alternative but to issue a Decision Notice requiring it to do so.
9. At the date of this Decision Notice the MoJ has not responded to the complainant's request.

Reasons for decision

Section 10 – time for compliance

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 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 has not responded to the complainant within the statutory timeframe in respect of this request.
12. The Commissioner's decision is that the MoJ did not deal with the request for information in accordance with the FOIA. In this case it has breached Sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The MoJ is now required to respond to the request of 11 May 2017.

Other matters

13. 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

14. 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

15. 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.
16. 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

**Deborah Clark
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SK9 5AF**