

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 25 October 2019

**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 a court order.
2. The Commissioner's decision is that the Ministry of Justice (MOJ) has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MOJ to take the following step to ensure compliance with the legislation.
  - The MOJ must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. The MOJ 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 Act and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 10 July 2019, the complainant wrote to the MOJ and requested information in the following terms:

*"Under the Freedom of Information Act we need answers to all the questions raised below.*

- 1. Please state the Name and qualifications of the Court Officer who drew up and SEALED this COURT ORDER? Was this person Authorised under the 2003 Act to do this work or NOT?*
- 2. Please state what LAW the Court is relying on to omit the PENAL WARNING NOTICE?*
- 3. We have a letter from [name redacted] dated 8 July 2019 stating that Deputy District Judge Hussian has responded as follows:- (No PENAL NOTICE necessary). Since GSI have NOT complied with the ORDER in almost a year. Please state Deputy District Judge Hussian's reasons for thinking that no PENAL WARNING NOTICE was necessary? Please state what LAW Deputy District Judge Hussian used to overrule the Civil Court Procedures?*
- 4. Why is Deputy District Judge Hussian protecting GSI Wills and Trusts LLP in this way? and why is the Court Officer responsible for the Drawing up and SEALING the COURT ORDER endorsing Deputy District Judge Hussian's wishes and NOT complying with the Court Rules and Directives when the Court has a STATUTARY DUTY to uphold the LAW and see that JUSTICE is done under our HUMAN RIGHTS?*
- 5. Is there some link, reason or precedent that has been set in the past that the Court is relying on? Everybody including COURTS and the JUDICIARY must comply with the LAW so what LAW is being used in this case.*
- 6. However all is not lost because the Court has the powers to correct its errors using Practise Directive 40B. So is the Court going to correct this error and add a PENAL WARNING NOTICE to the ORDER and serve it on the defendant or not? If Not we need an explanation and the LAW that the COURT is relying on INCLUDING all the paper trail of correspondence and decisions made that has let up to this UNLAWFUL/ILLEGAL DECISION in not placing a PENAL WARNING NOTICE on their ORDER.*
- 7. If there is a Registrar and Chief Clerk may we have their names so that we can write to them directly to RIGHT the WRONGS that we are experiencing from the COURT, because the COURT will not comply with CIVIL COURT PROCEDURES.*

8. *Our question is why is [name redacted] not going to the Registrar or the Chief Clerk for advice regarding Court Rules and Procedures?"*

6. To date, a substantive response has not been provided to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 14 August 2019 to complain about the MOJ's failure to respond to his information request.
8. On 18 September 2019 the Commissioner wrote to the MOJ, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
9. Despite this intervention the MOJ has failed to respond to the complainant.
10. The Commissioner has considered whether the MOJ has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### **Reasons for decision**

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11. Section 1(1) of the FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him."*

12. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*

13. From the evidence provided to the Commissioner in this case, it is clear that the MOJ did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MOJ has breached section 10(1) by failing to respond to the request within 20 working

Reference: FS50866248



days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**