

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 16 April 2024

Public Authority: Crown Prosecution Service
Address: 102 Petty France
Westminster
SW1H 9EA

Decision (including any steps ordered)

1. The complainant requested information from the Crown Prosecution Service.
2. The Commissioner's decision is that the public authority ("the public authority") breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory timeframe of 20 working days.
3. The Commissioner does not require further steps to be taken.

Request and response

4. On 4 December 2023, the complainant wrote to the public authority and requested information in the following terms:

"Given you now appear to be the CPS conducting lawyer handling the case and that you have replaced (NAME REDACTED) of the CPS in that capacity then could you please confirm that is correct and if so the reason for you having replaced him... and confirming the date (NAME REDACTED) was apparently replaced as the CPS lawyer handling the case.

Please confirm the reason for DC (NAME REDACTED) having been replaced as the OIC and disclosure officer in the case and the date(s) he was replaced." (sic)

5. The public authority responded on 16 February 2024. It apologised for the delay and advised that this was because the Information Access Team had not been forwarded the information request when it was received on 4 December 2023.

Scope of the case

6. The complainant has confirmed that they wish to have the late response formally recorded.

Reasons for decision

7. Section 1(1) of 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.”

8. Section 10(1) of 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”.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

11. 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.
12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Michael Lea
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF