

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

### **Decision notice**

**Date:** 20 November 2024

**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 from the Ministry of Justice (MoJ) information relating to Oaths of Office. The MoJ refused a part of the request and cited section 14(2) (repeated requests) of FOIA.
2. The Commissioner's decision is that the MoJ was entitled to refuse part 3 of the request under section 14(2) of FOIA, as it is a repeated request. The Commissioner does not require the MoJ to take any steps as a result of this decision.

#### **Background**

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3. Prior to the request in question, the complainant made several requests for information about particular court hearings. These requests were made to the MoJ on: 10 January 2024; 1 May 2024 and 27 June 2024.
4. In each request, the complainant asked for the name of the judge, legal adviser or prosecutor involved in that case. They also asked for the oath of office and bond or public liability insurance information about each of these individuals.
5. On each occasion, the MoJ provided the name of the judge and legal adviser, but noted that it did not hold the name of the prosecutor (which would be held by the Crown Prosecution Service).

6. The MoJ pointed out each time that it did not require its staff to take an oath of office, and neither it, nor its staff, required public liability insurance.
7. In dealing with the last request to date, the Commissioner notes that on 1 May 2024 the complainant replied to the MoJ. He acknowledged its letter of 24 April 2024 but informed the MoJ it had not provided "the Oaths and Bonds on insurance information of the Magistrates [names redacted]".

## **Request and response**

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8. On 1 May 2024 the complainant wrote to the MoJ (a postal letter - the MoJ received on 27 June 2024) and requested information in the following terms:
  1. "Can you please provide the information requested and all I have attached [sic]?"
  2. Can you please provide the name of the CPS, his/her Oath and Bond of insurance information?"
9. On 23 July 2024 the MoJ responded to the complainant's request which it logged as received on 27 June 2024. The MoJ refused to comply with the request and cited section 14(2) (repeated requests) of FOIA.

## **Reasons for decision**

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10. This reasoning covers why the MoJ was entitled to refuse part 3 ("the name of the CPS, his/her Oath, Bond or insurance information") under section 14(2) of FOIA.

## **Section 14(2) – repeated requests**

11. Section 14(2)<sup>1</sup> of FOIA states that:

"Where a public authority has previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that

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<sup>1</sup> <https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/dealing-with-repeat-requests/>

person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.”

12. This means that section 14(2) of FOIA may only be applied when all three of the following criteria have been fulfilled:
  - the request is identical or substantially similar to a previous request from the same requester;
  - the public authority has previously provided the information to the requester or confirmed that it does not hold the information in response to an earlier FOIA request; and
  - a reasonable interval has not elapsed between the new request and compliance with the previous request.

### **The Commissioner's position**

13. The Commissioner has viewed the FOI requests and agrees that they are substantially similar. The complainant is asking for the same type of information – albeit related to different court hearings.
14. The complainant had already been informed in response to a previous request that the MoJ does not hold the names of CPS prosecutors (the CPS is a separate government body), “oaths” in respect of any of its employees, or public liability insurance details. The complainant was informed of this on 6 October 2023 and again on 26 March 2024. The MoJ provided the complainant with an explanation which is detailed in paragraphs 5 and 6 of this notice.
15. The Commissioner considers it was unreasonable to submit a new request for similar information at this point, as the MoJ had already informed him the information was not held and supplied its reasons.
16. Section 14(2) does not define what a “reasonable interval” is. However, given what the MoJ had told the complainant in October 2023, it was not reasonable to suppose, in April 2024, that it would now hold this type of information.
17. The Commissioner's decision is the MoJ was entitled to refuse part 3 of the request under section 14(2) of FOIA, as it's a repeated request.
18. The Commissioner would also note that, absent a significant change in the MoJ's policy on oaths and public liability insurance, it is difficult to see when the “reasonable interval” before a fresh request can be made is likely to end.

## **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: 0203 936 8963

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)

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.

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**