

9 October 2023

Reference number: IC-261739-G4H3

Request

You asked us: "I am requesting under the terms of the FOIA documentation indicating whether before or after the Crown Prosecution Service (CPS) claimed in answer to two FOIA requests that it would take many hours of work to establish whether it had received any expressions of concern from lawyers or human rights groups alleging failure by the U.S. authorities to honour assurances given in U.K. courts as to conditions of incarceration of persons extradited from the U.K. or whether it had requested the Foreign Office to investigate whether any specific assurances had been honoured, the Information Commissioner (IC) has used his powers under Section 48 FOIA to issue a practice recommendation to either the CPS or the Ministry of Justice to ensure that their records management policies relating to extradition to (a) the U.S. or (b) all Requesting States are fully compliant with their Article 6 ECHR, Human Rights Act, 1998 and common law Disclosure obligations to defence lawyers in extradition hearings?"

We have understood this to be a request asking if the Information Commissioner's Office has issued a practice recommendation to either CPS or the Ministry of Justice.

We received your request on 3 October 2023.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

Any practice recommendations the ICO has issued are published on our website: <https://ico.org.uk/action-weve-taken/information-notice/#practice>

As the information is already reasonably accessible to you, technically it is withheld under section 21 of the FOIA. Section 21 states that we don't need to provide you with a copy of information when you already have access to it.

For completeness, we can also confirm that the ICO has not issued any practice recommendations that have not been uploaded to our website, nor are we currently working on practice recommendations, for either organisation.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure on our website: <https://ico.org.uk/media/about-the-ico/policies-and-procedures/1883/ico-review-procedure.pdf>

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can raise a complaint through our website [<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>] or by writing to us at our postal address.

Your information

Our privacy notice [<https://ico.org.uk/global/privacy-notice/your-data-protection-rights/>] explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found here:

<https://ico.org.uk/media/about-the-ico/policies-and-procedures/4024937/retention-and-disposal-policy.pdf>

Yours sincerely



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