

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 November 2014

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information about the county courts in England and Wales.
2. The Ministry of Justice (MoJ) failed to respond to this request for information and the Commissioner's decision is that in doing so MoJ breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires MoJ to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. MoJ must take these steps 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 21 August 2014 the complainant wrote to MoJ and requested information about the county courts in England and Wales in the following terms:

"I wish to know the following information regarding the County Court in England and Wales.

CENTRAL LONDON COUNTY COURT

- 1. Why has the Central London County Court been relocated to the Thomas More Building at the Royal Courts of Justice Strand London WC2?*
- 2. Have the previous buildings in Park Crescent been sold to private developers or is HM Court Service retaining the buildings still?*
- 3. If the previous buildings in Park Crescent have been sold to private developers, to whom have they been sold and what was the purchase price?*
- 4. Regarding the relocation of the Central London County Court to the Thomas More Building at the Royal Courts of Justice Strand London WC2, why is there no public counter service?*
- 5. Regarding the relocation of the Central London County Court to the Thomas More Building at the Royal Courts of Justice Strand London WC2, why has an appointment system been brought into effect?*

COUNTY COURTS IN ENGLAND AND WALES GENERALLY

- 6. Regarding County Courts generally in England and Wales, why have the majority no counter service and an appointments system has been brought into effect?*
 - 7. Regarding County Courts generally in England and Wales, why was it decided that money claims should be sent to the Salford Business Centre for issue at Northampton County Court in respect of claims for money?*
 - 8. Why was the Salford Business Centre selected to receive money claims in the County Courts in England and Wales?*
 - 9. Why was the Northampton County Court selected to process money claims in the County Courts in England and Wales?"*
6. At the time of writing, MoJ had failed to respond substantively to the request.

Scope of the case

7. The complainant first contacted the Commissioner on 23 September 2014 to complain about the failure by the MoJ to respond to his information request. Other correspondence followed with the complainant confirming on 1 November 2014 that he had still not received a response from the MoJ. This was despite the fact that the

Commissioner had written to the MoJ to remind it of the requirement to respond.

Reasons for decision

Sections 1 and 10

8. Section 1(1) of 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. 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. In this case the MoJ 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 provide a response to the complainant's request in accordance with FOIA.
10. In reaching this decision, the Commissioner is mindful that, while a request for information can be in the form of a question, the right to access official information only covers recorded information. It does not require a public authority to answer a question if this would mean creating new information or giving an opinion or judgment that is not already recorded.

Right of appeal

11. 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

12. 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.
13. 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

Jon Manners
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