

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 February 2016

Public Authority: Crown Prosecution Service
Address: Rose Court
2 Southwark Bridge
London
SE1 9HS

Decision (including any steps ordered)

1. The complainant has requested information relating to a decision not to prosecute a named individual in 1993.
2. The Crown Prosecution Service (CPS) failed to respond to this request for information and the Commissioner's decision is that in doing so the CPS breached sections 1(1) and 10(1) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires the CPS to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. The CPS 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 9 September 2015, the complainant wrote to the CPS and requested information in the following terms:

"Please provide copies of all information held relating to the decision not to prosecute [a named individual] in 1993;

Please provide copies of all internal communications relating to the decision not to prosecute [named individual] in 1993.

I understand and accept that the names of [named individual]'s victims will be redacted from the information provided."

6. At the time of writing the CPS had failed to respond substantively to the request.

Scope of the case

7. The complainant contacted the Commissioner on 9 November 2015 to complain about the failure of the CPS to respond to his request.

Reasons for decision

8. Section 1(1) of the 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.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case the CPS has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

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: <http://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

Ben Tomes
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF