ico. Information Commissioner's Office

# Freedom of Information Act 2000 (FOIA)

# Decision notice

**Date:** **29 March 2016**

**Public Authority:** **Ministry of Justice**
**Address:** **102 Petty France**
**London**
**SW1H 9AJ**

## Decision (including any steps ordered)

1. The complainant requested information relating to appeals concerning firearms certificates. To date he has not received a substantive response.

2. The Commissioner's decision is that the Ministry of Justice (the 'MoJ') has breached section 10(1) of the FOIA in that it failed to provide a response to the request within the statutory timeframe of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.

3. The 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 Act and may be dealt with as a contempt of court.

## Request and response

4. On 18 January 2016, the complainant wrote to the MoJ and requested information in the following terms:

   *"1) How many firearm refusal appeals were heard at the crown court each year since 2010*

   *2) How many shotgun refusal appeals were heard at the crown court each year since 2010*

*3) of the firearm refusal appeals how many were adjudicated in favour of the appellant*

*4) of the shotgun refusal appeals how many were adjudicated in favour of the appellant*

*If possible could you list the R Vs (appellant) of the appealed cases".*

5. The MoJ acknowledged receipt of the request on 23 January 2016. However, it had not responded substantively by the date of this notice.

## Scope of the case

6. The complainant contacted the Commissioner on 24 February 2016 to complain about the way his request for information had been handled.

7. The Commissioner wrote to the MoJ on 26 February 2016. He asked it to respond within 10 working days.

8. The scope of this case is the determination of whether the MoJ has complied with section 10 of the FOIA.

## Reasons for decision

9. Section 1(1) of the FOIA states that upon receipt of a request a public authority must confirm or deny whether information is held, and if that information is held it must be communicated to the requester.

10. Section 10(1) of the FOIA states that public authorities must comply with section 1(1) within 20 working days of receipt of the request.

11. Despite the intervention of the Commissioner, the MoJ has still not responded to the complainant's request for information.

12. From the information provided to the Commissioner in this case it is evident that the MoJ did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Other matters

13. The delay in responding to this request will be logged as part of ongoing monitoring of the MoJ's compliance with the FOIA.

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## Right of appeal

14. 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

15. 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.

16. 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**
**Group Manager**
**Information Commissioner's Office**
**Wycliffe House**
**Water Lane**
**Wilmslow**
**Cheshire**
**SK9 5AF**