

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 September 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 the workforce of the 21 Community Rehabilitation Companies (CRCs). To date he has not received a substantive response.
2. The Commissioner's decision is that the Ministry of Justice (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. She 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. Following earlier correspondence, the complainant wrote to the MoJ on 24 February 2016 and requested information in the following terms:

"As per your suggestion, I would like to refine my request:

For each of the 21 CRCs I would like to know (a) how many redundancies there have been since the CRC was set up; and (b) how many staff have undertaken Prevent awareness training".

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

Scope of the case

6. The complainant contacted the Commissioner on 27 July 2016 to complain about the way his request for information had been handled.
7. The Commissioner contacted the MoJ on 24 August 2016 with regard to the status of the request. The MoJ confirmed that it had not issued its substantive response in this case.
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. 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

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

Right of appeal

13. 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

14. 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.
15. 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

Pamela Clements
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