

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 May 2018

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

Decision (including any steps ordered)

1. The complainant has requested a copy of the transcript for a 2017 Employment Appeal Tribunal proceeding involving Uber from the Ministry of Justice (MOJ).
2. The Commissioner's decision is that the MOJ has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MOJ to take the following step to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. The MOJ must take this step 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

5. On 19 January 2018, the complainant wrote to the MOJ and requested information in the following terms:

"Would it be possible to request a copy of the latest transcript for the Uber [Employment Appeal Tribunal] case in 2017. This is prior to any judgement being given."

6. As no response was provided within 20 working days, the complainant wrote to the MOJ again on 19 February to request an internal review. To date, no substantive response has been provided by the MOJ.

Scope of the case

7. The complainant contacted the Commissioner on 26 February 2018 to complain about the failure by the MOJ to respond to his request.
8. The Commissioner has considered whether the MOJ has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

9. Section 1(1) of the FOIA states that:

Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
 - (b) if that is the case, to have that information communicated to him.*
10. Section 10(1) of the 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."*
 11. On 21 March 2018 the Commissioner wrote to the MOJ, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 20 working days.
 12. Despite this intervention the MOJ has failed to respond to the complainant.
 13. From the evidence provided to the Commissioner in this case, it is clear that the MOJ did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the MOJ has breached section 10(1) by failing to respond to the request within 20 working

days and it is now required to respond to the request in accordance with the FOIA.

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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF