

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 9 April 2019

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

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Ministry of Justice (MOJ) regarding its handling of personal data complaints.
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. As a response has now been provided the Commissioner does not require any further steps to be taken.

#### **Request and response**

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4. On 10 January 2019, the complainant wrote to the MOJ and requested information in the following terms:

*"What is your policy & process for handling personal data complaints?, As a public body Please treat this as a Freedom of Information Request or point me to the already available resource that answers this question"*

5. The MOJ responded to the request on 15 February 2019.

## Scope of the case

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6. The complainant contacted the Commissioner on 11 February 2019 to complain about the MOJ's failure to respond to his information request.
7. On 6 March 2019 the Commissioner contacted the MOJ regarding the outstanding response, asking it to respond to the request within 10 working days.
8. The MOJ replied to the Commissioner on 7 March 2019 to confirm that it had already provided a response on 15 February 2019, as referred to above.
9. While the complainant acknowledges that he has now received a response, on 21 March 2019 he asked the Commissioner for a decision notice to formally record the MOJ's late response.
10. 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

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11. 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."*

12. 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."*
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.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**