

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 November 2019

Public Authority: Ministry of Justice

Address: 102 Petty France
London
SW1H 9AJ

Decision (including any steps ordered)

1. The complainant requested information about Upper Tribunal procedures from the Ministry of Justice (the 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. Since a response has now been issued, the Commissioner does not require the MoJ to take any steps.

Request and response

4. On 15 April 2019, the complainant wrote to the MoJ and requested information in the following terms:

"the Appellant requests under the FOIA details (including copies of all associated documents) of all UT AAC procedures related to the verification of execution, signing, dating, storing, recording, retrieval and issuing of:

a) Directions, Reasons, Orders, Observations, Reviews, Responses to requests for time extensions and similar from Judges and Registrars, and ..

b) Requests for extension of time, reviews and other requests from Appellants.

c) The associated quality assurance procedures the UT AAC applies for a) above.

d) The associated QA procedures the UT AAC applies for b) above."

5. The MoJ received the request on 17 April 2019 and acknowledged the request on 23 April 2019. A substantive response was provided on 9 July 2019.

Scope of the case

6. The complainant contacted the Commissioner on 3 October 2019 to complain about the MoJ's failure to respond to their request within 20 working days.
7. 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

8. 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."

9. 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"*.
10. 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. As a response has now been provided, no steps are required by the MoJ.

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@justice.gov.uk

Website: 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

Phillip Angell
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