

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 September 2014

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 Crime (Sentences) Act 1997. The Ministry of Justice (MoJ) failed to respond to this request and the Commissioner's decision is that, in so doing, it breached sections 1(1) and 10(1) of the FOIA. The Commissioner requires the MoJ to respond to the request.
2. The public authority 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

3. On 23 June 2013, the complainant wrote to the MoJ and requested information in the following terms:

"Freedom of Information Act 2000

Can you please send me a copy of The Crime (Sentences) Act 1997 under the above Act?"

4. Having not received a response, the complainant submitted his request again on 10 November 2013. On 12 January 2014 he wrote to the MoJ asking it to review its decision not to respond to his request.

Scope of the case

5. The complainant first contacted the Commissioner on 16 February 2014 to complain about the failure by the MoJ to respond to his information request. Other correspondence followed with the complainant confirming on 2 August 2014 that he had still not received a response from the MoJ. This was despite the fact that the Commissioner had written to the MoJ on three occasions to remind it of the requirement to do so.

Reasons for decision

Sections 1 and 10

6. Section 1(1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of 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.
7. In this case the MoJ has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. The MoJ is now required to provide a response to the complainant's request in accordance with FOIA.

Right of appeal

8. 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: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

9. 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.
10. 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
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF