

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 February 2016

**Public Authority:** Crown Prosecution Service  
**Address:** Rose Court  
2 Southwark Bridge  
London  
SE1 9HS

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to confiscation orders imposed on foreign nationals.
2. The Crown Prosecution Service (CPS) failed to respond to this request and the Commissioner's decision is that in doing so the CPS breached sections 1(1) and 10(1) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires the CPS to take the following steps to ensure compliance with the legislation.
  - Respond to the request.
4. The CPS 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 FOIA and may be dealt with as a contempt of court.

#### Request and response

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5. On 1 June 2015, the complainant wrote to the CPS and requested the following information:

*"(1) How many foreign nationals convicted between 01/01/13 – 01/01/15 had confiscation orders imposed upon them.*

*(2) How many of the same foreign nationals were repatriated or deported to their home countries with unpaid confiscation orders”.*

6. At the time of writing the CPS had failed to respond substantively to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 23 August 2015 to complain about the failure of the CPS to respond to his request.

### **Reasons for decision**

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#### **Sections 1 and 10**

8. Section 1(1) of the 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.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “no later than the twentieth working day following the date of receipt”.
10. In this case the CPS has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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

Website: <http://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** .....

**Ben Tomes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**