

Mr Richard Taylor

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www.justice.gov.uk

ICO Reference: **FS50506566**

22 October 2013

Our Reference: **ICO-85250**

ICO case FS50506566, Mr Richard Taylor

Dear Mr Taylor,

The Information Commissioner's Office (ICO) has told us of your complaint concerning your requests for the following information:

1) On 22 January 2013 at 02:20 ... "Could you please release the register of decisions for Cambridge Magistrates' Courts on Monday the 21st of January 2013." This request is at

https://www.whatdotheyknow.com/request/register_of_decisions_cambridge#comment-37820

2) On 22 January 2013 at 02:22.... "Could you please release the information which would be expected to appear on the full copy of the court list in relation to appearances, hearings, trials etc. currently scheduled to be held in Cambridge Magistrate's Court in the week commencing Monday the 25th of February 2013." This request is at:

https://www.whatdotheyknow.com/request/cambridge_magistrates_court_list_2#comment-37690

Given your further complaint to the ICO, we have reconsidered our response to your requests. Having done so, I reply as follows:

- We remain of the view that the information requested is contained in Court records, and is exempt from disclosure under section 32(1) (c) of the FOIA.
- We remain of the view that the documents requested contains the personal data of third parties, and is therefore exempt under section 40(2) of the FOIA.
- We also maintain it is not appropriate to release redacted versions of these documents because they are court records, and therefore also exempt from release under section 32 (1) (c) of the FOIA.
- At Internal Review stage, we relied on section 40 (1) because we believed the documents requested may have contained your personal data. On occasion, the lists and registers you requested contain aliases and we came to the conclusion that we cannot discount the possibility that there may be court cases which you were involved in, this is why we relied on section 40 (1) at the time. However, since your complaint to the ICO we have reviewed this position and wish to inform you that we no longer rely on section 40 (1).
- Lastly, we maintain the FOIA is not a means to gain indirect access to court records. You can request this information through a regime that is already in place under Part 5 of the Criminal Procedural Rules (CPR) and, in particular, CPR 5.8. You can obtain information about this at:

<http://www.justice.gov.uk/courts/procedure-rules/criminal/docs/2012/crim-proc-rules-2013-part-05.pdf>

I hope the information I have provided further explains our response to your requests.

Yours sincerely

Mike Cranwell
Operational Support Officer