



The Insolvency
Service

The Insolvency Service
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Thomas Martin
request-653251-b5782601@whatdotheyknow.com

Your ref: request-653251-b5782601
Our ref: FOI2019-179(6)
Date: 20 April 2020

Dear Mr Martin

Re: Freedom of Information Act 2000

Thank you for your email of 08 March 2020 in which you requested from the Insolvency Service:

1. *“How many cases [for the last three years] has the insolvency service dropped after making a decision to pursue a director for disqualification?”*
2. *“What is the general decisions relating to these cases”.*

Your request has been dealt with under the Freedom of Information Act 2000 (FOIA).

I can confirm the agency holds the information that you have requested. However, the information in relation to the second part of your request is refused under s12(1) (costs).

Question 1

Following an investigation and decision to seek a disqualification order, in the last 3 years, 178 Directors disqualification were not proceeded with and either withdrawn before or after proceedings had been issued.

Question 2

In general terms, there are a number of reasons why a case might not be proceeded with after a decision has been made to seek a disqualification order. Firstly, a decision may be made on evidential grounds meaning that there no longer is sufficient evidence to pursue the matter, for example because additional evidence has come to light perhaps from a new or existing witness or from the director themselves. Secondly, there may be changes in circumstances which means it is no longer in the public interest to pursue the disqualification for example due to the ill health of the director.

We do not centrally collate the reasons for the withdrawal of cases, although the reason would be held on each individual case. In order to provide additional detail, it would be necessary to examine each of the 178 cases to identify and understand the reasons for withdrawal. It would then be necessary to group those results so as to prevent any information being attributable to an identified individual. It is estimated that to complete this exercise would require a minimum of 29 hours' worth of work and that the cost would be £725 and thus exceed the appropriate limit prescribed in the Act. The appropriate limit has been specified for Central Government at £600. This represents the estimated cost of one person spending 24 hours in determining whether the Service holds the information, and locating, retrieving and extracting the information.

Under section 12(1) of the Freedom of Information Act the Insolvency Service is not obliged to comply with your request and we will not be processing your request further. When section 12 is applied, section 16 requires we provide advice and assistance as to how you may narrow the scope of your request to meet the cost limit: In this instance we suggest that you could reduce the time-period, which would reduce the number of cases that would need to be individually checked, which may bring your request under the cost limit although I cannot guarantee that this will be the case. Individual case results might also be withheld under exemptions under s30 (investigations and proceedings) and/or s40 (personal data) which might apply.

If you are not satisfied with the response we have provided you and would like us to reconsider our decision by way of an internal review (IR), please contact our Information Rights Team at foi@insolvency.gov.uk or by post at:

Information Rights Team
The Insolvency Service
3rd Floor
Cannon House
18 Priory Queensway
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B4 6FD
United Kingdom

You also have the right to contact the Information Commissioners Office (ICO) if you wish for them to investigate any complaint you may have in regards to our handling of your request. However, please note that the ICO is likely to expect an IR to have been completed in the first instance. The ICO contact details can be found on their website: <https://ico.org.uk/global/contact-us/>.

Kind regards

Laurie Judge
Information Rights Manager
The Insolvency Service

The Department for Business, Energy and Industrial Strategy, Official receivers and the Adjudicator are Data Controllers in respect of personal data processed by the Insolvency Service. For the details about how personal data is processed by the agency, please see the full Insolvency Service Personal Information Charter here: <https://www.gov.uk/government/organisations/insolvency-service/about/personal-information-charter>