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8 February 2019

Dear Mr Leech

**Freedom of Information Act (FOIA) Request – 190114002**

Thank you for your request dated 14 January 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

- 1. In the last 12 months - at the date of this request - how many FOI requests have you rejected on the basis that they are in excess of the £600 cost limit?**
- 2. Can you please tell me where the FOI limit of £600 per request is to be found with accompanying documentation as to how the figure was reached.**

Your request has been handled under the FOIA.

**Question One**

I can confirm that the MoJ holds all of the information that you have requested (for 2018). However, it is exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication.

This is a qualified exemption which means that the decision to disclose the information is subject to the public interest test. When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

**Public interest considerations favouring disclosure**

- Disclosure now would improve knowledge of FOI statistics

**Public interest considerations favouring withholding the information**

- It is in the public interest to ensure that data used in the compilation of official statistics comply with the Code of Practice for Official Statistics and that resulting outputs are produced to the highest quality. Statistics of high quality are produced to sound methods, with all users having easy and equal access that is fair and open, and are managed impartially and objectively in the public interest. Premature publication could undermine the principle of making the information available to all at the same time through the official publication process.

On balance, I consider the public interest favours withholding the information at this time.

These statistics are due to be published by May 2019. Outside the terms of the FOIA, below is a link to FOI statistics for 2017:

<https://www.gov.uk/government/statistics/freedom-of-information-statistics-annual-2017>

Table 9 of the Annual Tables shows that in 2017 the MoJ refused 996 requests based on section 12(1) and (2) – costs.

## **Question Two**

The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

<http://www.legislation.gov.uk/ukxi/2004/3244/contents/made>

All FOI requests for the MoJ (including for HMPPS) can be submitted to the email below.

## **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Communications and Information Directorate