Mr Alan Wright

request-135587-61215065@whatdotheyknow.com

Our Ref: FOI/78920

20 November 2012

Dear Mr Wright,

Freedom of Information Request

Thank you for your email of 28 October, in which you ask for the following information from the Ministry of Justice:

“Could you please tell me how many prisoners are in custody, on remand, awaiting the services of a Court Interpreter? I am specifically interested in prisoners who might not necessarily be in custody on remand if they could have received the services of an interpreter but there was not one available.”

Your request has been handled under the Freedom of Information Act 2000 (FoIA).

I can confirm that the Ministry of Justice holds information that you have asked for. However, because the cost of complying with your request would exceed the limit set by the Freedom of Information Act, on this occasion I'm afraid I will not be taking your request further. In this letter I explain why that is the case and I also provide you with some advice as to how you could refine your request so that we may be able to answer it.

The law allows us to decline to answer FOI requests when we estimate it would cost us more than £600 (equivalent to 3½ working days’ worth of work, calculated at £25 per hour) to identify, locate, extract, and then provide the information that has been asked for.

There is no central record which goes into the level of detail you request. As a result, providing the information you have requested would mean contacting all the courts across the MoJ estate to obtain these details. In addition no start or end date is specified in your request. As a result there are a significant number of records to consider and these would need to be sifted to extract the relevant information on the reason for remand. It is therefore my assessment that providing the details you ask for would take more than 3½ days.

You can find out more about section 12(1) by reading the extract from the FoIA and some guidance points we consider when applying this exemption, at the end of this letter.

You may wish to consider refining your request so that we can deal with it under the cost limit, for example by limiting your request to a specific time period or location. However, you should be aware that, due to the manner in which the information is held, it may not be possible to reply to a narrower request within the cost limit.

Outside of the FOIA and on a discretionary basis I can inform you that the MoJ has published statistics about the prison population which includes some information on remand. While this does not go into the level of detail which you require, you may find these useful:


I am sorry that on this occasion I have not been able to be of more assistance. You have the right to appeal my decision if you think it is incorrect. Details can be found in the ‘How to Appeal’ section at the end of this letter.

Disclosure Log

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website: [http://www.justice.gov.uk/information-access-rights/foi-requests/latest-moj-disclosure-log](http://www.justice.gov.uk/information-access-rights/foi-requests/latest-moj-disclosure-log)

The published information is categorised by subject area and in alphabetical order

Yours sincerely

LESLIE MUIR
ADDITIONAL INFORMATION ABOUT SECTION 12(1)

We have provided below additional information about section 12 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

The legislation

Section 1: Right of Access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

Section 12: Cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.

Guidance

The appropriate limit

The 'appropriate limit', for the purposes of section 12 of the Freedom of Information Act has been set at:

- £600 for central government and Parliament.
- The hourly rate is set at £25 per person per hour.

The following activities may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded.

- determining whether it holds the information requested
• locating the information or documents containing the information
• retrieving such information or documents
• extracting the information from the document containing it.
How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email to the Data Access and Compliance Unit within two months of the data of this letter, at the following address:

Data Access and Compliance Unit (10.34)
Information & Communications Directorate
Ministry of Justice
102 Petty France
LONDON
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

Information Commissioner’s Office

If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner’s Office. The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if he considers that we have handled it incorrectly.

You can contact the Information Commissioner’s Office at the following address:

Information Commissioner’s Office
Wycliffe House
Water Lane
WILMSLOW
Cheshire
SK9 5AF

Internet address: https://www.ico.gov.uk/Global/contact_us.aspx