



HM Courts & Tribunals Service

HM Courts & Tribunals Service
Customer Service Team
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Email:
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Mr Doug Paulley

<mailto:request-307561-a3727e52@whatdotheyknow.com>

Our ref: FOI- 102130

Date: 17 February 2016

Dear Mr Paulley,

Thank for your email of 17 December 2015, in which you asked for the following information from the Ministry of Justice (MoJ):

"42. There is a lack of data on the number of DDA cases on goods, facilities and services in the county courts, although a number of witnesses presume the numbers to be very small. We recommend that the Government monitors the trends in the number of cases taken and their outcomes. (Paragraph 264)

"89. The Government will consider introducing changes to the county court IT system when there is an opportunity to do so. Until then, courts will be asked to manually gather information on DDA cases involving goods, facilities and services."

Please provide recorded information to make clear:

1) what changes to the IT system were considered, which were implemented and which were not, and why

2) what systems were implemented to ensure the manual collation in courts of data on DDA cases involving goods, facilities and services, when those systems were implemented, when they stopped and how successful they were;

Please provide all data collated on disability discrimination cases as a result of the above."

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

Your request was passed to HM Courts & Tribunals Service (HMCTS) Customer Service Team (CST) to respond. I would first like to take this opportunity to apologise to you for the long delay in our response which was caused by the need within the Department to conduct extensive searches to determine if any information was held. Also there was difficulty in trying to locate the best business unit to accurately respond. I therefore confirm the HMCTS was not compliant in its handling of your FOI request and breached section 10 (1) of the FOI Act, by responding outside of the twenty day statutory deadline.

Having conducted extensive searches of all relevant areas within HMCTS and Ministry of Justice (MoJ) I can confirm that the Department does not hold the

information that you have requested. To establish whether the information was held we have conducted a thorough search and made enquires with the following business areas: HMCTS Equality Team, MoJ Corporate Equality Team, HMCTS Finance Directorate Performance, Analysis and Reporting, MoJ Strategic Reform, Forecasting and Finance and HMCTS Civil & Business Support Team.

When assessing whether or not information was held adequate and reasonable searches for the requested information were made of:

- Electronic records were searched using the following key search terms: Disability Discrimination Act case in County Courts, DDA cases involving goods, facilities and services, DDA cases on County Court IT system, Changes to County Court IT system, DDA cases and DWP Select Committee, MoJ's response to DWP Select Committee report on DDA cases etc which would have revealed any information held.
- Checks were made with policy officials responsible for the issue in MoJ.

If the information was held by HMCTS and or MoJ it would have to be held by the above mentioned business areas. It may help if I clarify that the information being requested is not held by HMCTS and MoJ because there is no specific legal requirement for MoJ to do so.

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

You can find out more about information held for the purposes of the FOIA by reading some guidance points we consider when processing a request for information, attached at the end of this letter.

You can also find more information by reading the full text of the FOIA, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

You have the right to appeal our decision if you think it is incorrect. Details can be found in the 'How to Appeal' section attached at the end of this letter.

Disclosure Log

You can also view information that the MoJ has disclosed in response to previous FOIA requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website:

<https://www.gov.uk/government/organisations/ministry-of-justice/series/freedom-of-information-disclosure-log>

Yours sincerely



Anisul Haque

HMCTS Customer Service Team

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 **within two months of the date of this letter** to the Data Access and Compliance Unit at the following address:

Data Access and Compliance Unit (10.38),
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

EXPLANATION OF INFORMATION HELD FOR THE PURPOSES OF THE ACT

We have provided below additional information for information held for the purposes of the Freedom of Information Act. We have included some of the guidance we use when considering requests for information. I hope you find this information useful.

Is the information 'held' for the purposes of the Act?

A person may request any information 'held' in any recorded form by a public authority (or held by another on behalf of a public authority).

If the requester is asking for an opinion on an issue or asking for information that is not already held to be created, this is not a Freedom of Information Act request.

Information covered by the Act

All recorded information 'held' by a public authority is within the scope of the Freedom of Information Act. It includes files, letters, emails and photographs and extends to closed files and archived material.

Recorded information

The right of access applies to information recorded in any form. This includes:

- information that is held electronically (such as on a laptop computer or an electronic records management system)
- information that is recorded on paper (such as a letter, memorandum or papers in a file)
- sound and video recordings (such as a CD or videotape)
- hand-written notes or comments, including those written in note pads or on Post-it notes

Is the information 'held' under the Freedom of Information Act?

'Holding' information includes holding a copy of a record produced or supplied by someone else. However, if a public authority only holds information on behalf of someone else, for example a department holding trade union information on their computer system, then that public authority may not have to provide the information in response to a Freedom of Information Act request.

In some cases, it may not be clear whether information which is physically present on your premises or systems is properly to be regarded as 'held' by your public authority, for the purposes of the Freedom of Information Act. Examples include:

- private material brought into the office by ministers or officials
- material belonging to other people or bodies
- trade union material
- constituency material
- material relating to party political matters.