



# Ministry of JUSTICE

**Ian Johnson**

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[www.justice.gov.uk](http://www.justice.gov.uk)  
20 September 2016

**Our Reference: 107325**

## Freedom of Information Request

Dear Mr Johnson

Thank you for your email of 31 August 2016, in which you asked for the following information from the Ministry of Justice (MoJ):

**Could you please disclose a full list of items seized/confiscated from visitors at the following prisons since September 2015.**

**Deerbolt.  
Durham.  
Frankland.  
Holme House.  
Kirklevington Grange.  
Low Newton.**

**Could you please disclose as much detail as you have for each item, along with where the items had attempted (i.e. An 8 inch kitchen knife - Deerbolt, 200 viagra tablet - Frankland etc)**

Your request has been handled under the Freedom of Information Act 2000 (FOIA). I can confirm that the MoJ holds the information that you have asked for. However, because the cost of complying with your request would exceed the limit set by the FOIA, on this occasion I'm afraid I will not be taking your request further.

It may help if I explain that only certain items of contraband that are found or confiscated within prisons are mandated to be reported on the NOMS central Incident Reporting System (IRS). Prior to October 2015, this was limited to "Finds" of mobile phones, drugs and firearms, nor did the system identify the source of the contraband. Since October 2015, an enhanced system has added weapons (additional to firearms) and illicit brewed alcohol (hooch) to the list of mandatory reportable items. Additionally, items that are not mandated to be reported may be recorded locally or reported centrally at the discretion of the prison. If centrally reported, the item would be recorded on IRS as a miscellaneous incident. It is not possible to identify whether a miscellaneous incident report relates to the find or confiscation of contraband without manual interrogation of all miscellaneous incident reports during the timeframe requested.

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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. We estimate that to carry out a data search as described above would significantly exceed the cost limits set by the FOIA. In addition, we would need to write to each of the establishments listed and ask them to search locally held hard copy and electronic records of all items confiscated from visitors.

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, 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/section/12>.

Although we cannot answer your request at the moment we might be able to respond if you were to refine the question to bring it within the cost limits for data on non-mandatory reportable items, for example, by limiting the request to items that have been confiscated from visitors from one prison over a period of a week or month. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit.

I am sorry that on this occasion I have not been able to answer your request. 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 FOI 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>

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

Yours sincerely

**Security Department  
National Offender Management Service**

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## 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 date 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](mailto: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](https://www.ico.gov.uk/Global/contact_us.aspx)

## **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.