



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

Mr. Navartne

data.access@justice.gov.uk

Request-699614-ba2f62ae@whatdotheyknow.com

Date: 09/12/2020

Dear Mr., Navartne

Freedom of Information Act (FOIA) Request – 201113026 (follow up of 201016024)

Thank you for your request dated 13th November in which you asked for the following information from the Ministry of Justice (MoJ):

Dear Her Majesty's Courts and Tribunals Service,
Please provide the following info:

- 1) Appeal reference of applications submitted in relation to section 166 of the Data Protection Act 2018.
- 2) Indication if each application in (1) was within time or out of time.
- 3) If out of time, and where the application was admitted ...by the Tribunal, specify whether a request for an extension of time:
 - a) was requested by applicant, or
 - b) was considered by the Tribunal without a specific request by the applicant.
- 4) For all applications in (1), indicate if each application was:
 - a) admitted
 - b) dismissed (thrown out) quoting rule 22(6)(f) which states: "An appellant must start proceedings before the Tribunal by sending or delivering to the Tribunal a notice of appeal so that it is received.... in the case of an application under section 166(2) of the Data Protection Act 2018 (orders to progress complaints), within 28 days of the expiry of six months from the date on which the Commissioner received the complaint."

Yours faithfully,
Mr Navartne

From: navartne <request-699614-ba2f62ae@whatdotheyknow.com>
Sent: 13 November 2020 15:35
To: LondonKILO <LondonKILO@justice.gov.uk>
Subject: Re: response to your request (our reference 201016024)

Dear Knowledge and Information Officer,
I'm requesting the information from the First-tier Tribunal (General Regulatory Chamber). I believe rule 22(6)(f) was amended to the Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009.

Please provide a swift response as the clarification was sought close to the 20 working day statutory deadline.

Yours sincerely,
Mr Navartne

Your request has been handled under the FOIA.

I am unable to confirm if the MoJ holds the information you have requested within the cost limit. Section 12(2) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government it is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information.

In this instance to determine if all of the information requested is held we would be required to read all 829 application received (1st December 2018 – 1st December 2020) to determine which application was within time or out of time, which would exceed the appropriate limit. Consequently, we are not obliged to comply with your request.

You may wish to consider, for example, requesting a specific case/s or the scope of the request can be narrowed.

Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply

For guidance on how to structure successful requests please refer to the ICO website on the following link: <https://ico.org.uk/your-data-matters/official-information/>

http://www.legislation.gov.uk/ukxi/2004/3244/pdfs/ukxi_20043244_en.pdf

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

Disclosure Team, Ministry of Justice

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

Knowledge and Information Liaison Officer
National Business Centres and Regional Support Unit