



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

G Kanter-Webber,
request-737637-58dfd041@whatdotheyknow.com

data.access@justice.gov.uk

11 May 2021

Dear G Kanter-Webber,

Freedom of Information Act (FOIA) Outcome of Internal Review – 210416021

Thank you for your Internal Review request received on 16 April 2021, regarding FOI request 210317014 in which you asked for the following information from the Ministry of Justice (MoJ):

Dear Ministry of Justice,

The President of the Supreme Court today told a select committee that he's been working with you to find a way for Caribbean judges to sit on the Judicial Committee of the Privy Council (reported here: <https://twitter.com/legalhackette/status/1372169231333261314>)

Please disclose an electronic copy of all recorded information you hold related to these discussions/ this piece of work.

In considering whether or not any exemptions apply, you will of course bear in mind the fact that the existence of the project is now public knowledge.

***Yours faithfully,
G Kanter-Webber***

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review: I was not involved in the original decision.

The response to your original request confirmed the information requested is not held by the MoJ. You were advised to contact the Supreme Court directly which may hold the information you have requested. After careful consideration I have concluded that this response was **partially compliant** with the requirements of the FOIA.

Statutory deadline

The statutory deadline for your request was 16 April 2021 and the response was provided on 16 April 2021. The response was therefore compliant with the timeliness requirements of the FOIA.

Outcome

I am satisfied that the response you received on 16 April 2021 was correct.

We maintain that the MoJ does not hold any information in the scope of your request. This is because we are not the appropriate authority to contact on this subject.

The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

In our original response, we also should have advised you that the judiciary of England and Wales is not a public body for the purposes of the FOIA as it is not listed under Schedule 1 of the Act. As a result of this, information held by or on behalf of the judiciary is not eligible for release under the FOIA. As part of the judiciary, the Supreme Court of England and Wales is not a public body and thus not subject to the FOIA. This also covers any discussions between judges on matters handled by the judiciary itself.

Outside the scope of the FOIA, you may find it helpful to contact the Supreme Court directly who may be able to provide you with further information. Their contact details are:

Freedom of Information
The Supreme Court of the United Kingdom
Parliament Square
London
SW1P 3BD
foi@supremecourt.uk (for enquires under the FOIA)

Appeal Rights

If you are not satisfied with this response you have the right to apply to the Information Commissioner's Office (ICO). The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if she considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office

<https://ico.org.uk/Global/contact-us>

Yours sincerely

Communications and Information Services