

Blaise Tchoula  
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29th August 2019

Dear Blaise Tchoula,

**Freedom of Information Act (FOIA) Request – 190806039**

Thank you for your request dated 6<sup>th</sup> August 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

**1) Is it compulsory for HMCTS staff to create a "CASEMAN file" or/and "COMPUTERISED COURT RECORD" for all cases before its court?**

**1)(A) if no please name the court that does not have to provide computerized court record?**

**2) Must the CASEMAN be an accurate reflection of all the activities in the management of the case Or simply some document which accuracy is not important for the proper management of the case?**

**3) Have you got recorded information of activities that happen during the case what must not appear in the "CASEMAN". What are the activities in the case that must not be recorded in a "CASEMAN"?**

**Examples:**

**3)(A) Must record of all fees payment be in the CASEMAN?**

**3)(B) Must record of all applications appear?**

**3)(C) Must record of case and judgement being issued appear?**

**3)(D) Must record of all judgment and order appear in the CASEMAN?**

**4) What are the activities that must, whenever they take place, be compulsorily recorded into a CASEMAN and with details. For example and not limited:**

**a) Must all Fee payments be recorded? with details of date, time, place of payment, cashier name, method of payment etc...**

**b) Date and time of the case being created beeing issued**

**c) Date and time of the case being issued**

**d) Date of the Acknowledgement being received.**

**e) Date of the Defence being received.**

**f) All the order and decision of the court.**

**g) Date and time that the file was provided to the "Judge or Master".**

**h) Date of his/her decision was made**

**i) Date and time that it was processed by the clerk and the name of the clerk that processed it. ?**

**5) Which procedure or/and policy have you got in place in making sure that your staff follows due process in ensuring that the CASEMAN is not only an accurate and precise reflection of the activities in the file but a reliable and complete document that members of the public, judges and parties to the case may use insuring that that due process of law has been followed in every case.**

**7) Is the CASEMAN written in plain English?**

**7)(A) Should everything in the CASEMAN be interpreted literally?**

**8) What is the meaning of the following sentence? "NO CASEMAN PAYMENT HAVE BEEN MADE FOR THIS CASE"?**

**a) Does it retain its literal meaning, therefore, no payment had been made at the point of HMCTS issuing the case?**

**b) Is payment yet to be made?**

**c) Payment has been made but not recorded yet?**

**d) Payment has been made electronically and not recorded?**

**e) others.**

**8) Is information recorded chronologically on the CASEMAN?**

**9) Once a piece of information has been recorded into a CASEMAN can they go back and change it without living any trace of the previous information and who has interfered with it?**

**10) Would you please provide your insurance details just in case you were to cause harm to the public when dealing with matters before your organisation and details of your solicitors.**

Your request has been dealt with under the FOIA.

In relation to questions **1-2 and 6-9** please be advised that these enquires do not fall under the FOIA regime.

It may be helpful if I explain that the FOIA gives individuals and organisations the right of access to all types of recorded information held, at the time the request is received, by public authorities such as the Ministry of Justice (MoJ). Section 84 of the FOIA states that in order for a request for information to be handled as a FOI request, it must be for recorded information. For example, a FOI request would be for a copy of a policy, rather than an explanation as to why we have that policy in place. On occasion, the MoJ receives requests that do not ask for recorded information, but ask more general questions about, for example, a policy, opinion or a decision.

In relation to questions **3-5** and **10** your request has been handled under the FOIA and the response is below:

The MoJ does not hold any specific information in the scope of your request as there is no procedure/policy in place that ensures all records and any activities are recorded onto CASEMAN.

The MoJ does not hold any information on insurance details as Crown bodies and a number of other bodies are exempted from the 1969 Act's requirements, either individually or as a

class, through provisions in the Act itself or in the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2573).

### **Official Correspondence Queries**

As outlined above, questions **1–2 and 6– 9** do not fall under the scope of the FOIA and would be treated as 'Official Correspondence' by the department.

We cannot respond to Official Correspondence via the What Do They Know (WDTK) website as it is to be used only for FOI requests only.

You may wish to re-submit the above numbered enquiries to the Ministry of Justice, which will be treated as Official Correspondence. Please ensure this is sent via a personal email account, rather than through the WDTK website.

### **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.gsi.gov.uk](mailto:data.access@justice.gsi.gov.uk)

Data Access and Compliance Unit, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

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.

If you do have any questions relating specifically to the FOIA or Data Protection Act (DPA), please contact the Disclosure Team at the following e-mail address:  
[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Yours sincerely

Civil & Family Team  
Courts & Tribunals Development Directorate | HMCTS