



Ministry of JUSTICE

Alex Shipp

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Our Ref: IR/94133/14

Date 18 November 2014

Dear Alex Shipp,

Freedom of Information Act 2000 (FOIA) – Outcome of Internal Review

Thank you for your Internal Review request dated 23 October 2014 regarding a Freedom of Information request in which you asked for:

For the period 1 October 2012 to the present day (or as much as records allow), please provide the following data on Small claims submitted by Ransomes Park Limited, Proserve or variants of those two names.

Please summarise the data by month.

- 1) Number of claims submitted***
- 2) Number of hearings which took place***
- 3) Number of hearings the claimant won***
- 4) Number of hearings the defendant won***

And upon receipt of our response on the 23 October 2014, you emailed on the same day seeking an internal review as stated below:

“I would like to request a review of this request for the following reasons

a) Please reconsider providing the information for the following categories.

1) Number of claims submitted

2) Number of hearings which took place

I understand categories 3 and 4 could lead to leakage of personal information. However, there does not seem to be a way in which categories 1 and 2 could leak information.

b) It is in the public domain that at least 2 hearings have taken place which does not appear in this list.

3YS16797 Ransomes Park Ltd v Anderson, Friday 21 Feb 2014.

3YK70209 Ransomes Park Ltd v Hamblion, 12 Sep 2013

Please investigate why these did not appear in the results, and see whether as a result of this, if other cases have also been missed.”

The purpose of an Internal Review is to assess how your Freedom of Information request was handled in the first instance and to determine whether the original decision given to you was correct.

I have reassessed your case and after careful consideration I have concluded that the initial response that was sent to you was fully compliant with the requirements of the FOIA. An explanation of my decision follows.

Your original request of 30 September 2014 was answered on 23 October 2014, which is within the statutory 20 working days required under the Act. The response confirmed that the Ministry of Justice holds the information you have requested but provided you with only a part. It applied the exemption under Section 40(2) to the withheld information as disclosure could result in the disclosure of third party information.

As part of my review I have noted your concerns on whether the first and the second parts of your request could lead to the leakage of personal information. I have re-run the query for the information you originally requested for the period 1 October 2012 – 30 September 2014 and I confirm that the Section 40(2) decision and the figures provided in the table of our letter dated 23 October 2014 are correct. Below is further explanation on my decision:

I have found in relation to your concerns on question (1) the number of claims submitted and question (2) the number of Hearings which took place, that the information in scope of these questions include those of individual defendants hence the anonymisation of the relevant data in our original response. This is because any request for information where the total figure amounts to fewer than five people, must be considered in line with the Data Protection Act 1998 (DPA).

It is the general policy of the Ministry of Justice not to disclose third party, personal information as it aims to comply with its obligations under the DPA. And in order to ensure compliance with our DPA obligations, we have in this case concluded that in considering your FOI request, the exemption under Section 40 became engaged.

Section 40(2) of the FOIA states that personal data relating to third parties, (i.e. a party other than the person requesting the information), is exempt information if one of the conditions in Section 40(3) is satisfied. And after this investigation, I am satisfied that the anonymised data in relation to your questions (1), (2) and (3), if disclosed could through a “jig-saw” approach be matched against other information about the affected individuals already in the public domain and which may lead to their identification. And should the data not be anonymised, this would amount to an unfair disclosure clearly in breach of one or more of the Data Protection Principles in the DPA. In this case, the individuals concerned have not given consent for disclosure and does have a reasonable expectation that their personal data would be protected by MoJ. We have concluded that the information withheld is correctly exempt under Section 40(2) of that Act.

I should reiterate that the terms of this Section 40(2) exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

With regard to the two hearings you stated have taken place, I should clarify for FOI purposes that any disclosure made under the terms of the Act is a disclosure to the world at large. This is not the same with cases heard in open Court. The fact that a case was heard in the open Court does not make any information associated with the case to be in the public domain. As such their handling remains subject to any applicable exemptions available under the FOIA. However, outside of the Act, I offer below further clarifications in relation to the cases you cited:

The first as cited is included in the October 2013 figures in the table; however it will not show as a hearing as there is no small claims hearing associated with it. The second as cited is included in the April 2013 figures in the table.

Conclusion

After completing this review, I have ascertained that a response was issued to you within 20 working days. I have also ascertained that the Section 40(2) decision reached in relation to all the withheld information is correct. I have therefore judged that the handling of your request and the response you received dated the 23 October and all the decisions therein are compliant with the FOI Act and are hereby upheld.

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 Ministry of Justice has disclosed in response to previous Freedom of Information 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

A handwritten signature in black ink, appearing to read 'Christopher J. Cox'.

How to Appeal

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