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15 March 2018

Dear J. van Herk

Freedom of Information Act (FOIA) Outcome of Internal Review 180216013

Thank you for your request dated 16 February 2018 for an Internal Review of FOI 180124022 in which you asked for the following information from the Ministry of Justice (MoJ), following the clarification of FOI 171219002:

Thank you for your reply.

To my understanding, Priority Debt is a term that indicates a more 'severe' sort of debt for which greater consequences exist when one fails to pay these, than with other sorts of debt.

Therefore, to clarify my request for information: please provide me with a) the number of people convicted for failure to debt; b) number of people serving custodial sentences for failure to pay priority debt.

These debts can be:

- Mortgage repayments and loans secured on one's home
- Rent
- Gas and electricity debts
- Council tax
- Guarantor loans and logbook loans;
- Gas and electricity bills;
- Child support and maintenance payments;
- Income tax, VAT and other tax debts;
- TV licence payments;
- Magistrates Court fines and penalty fines such as parking; and certain payments ordered by the courts.
- Child support and maintenance payments

However, if you have knowledge about other kinds of debts for which one can be convicted by court and/or serve custodial sentences when one fails to pay for these, then please include information on this as well.

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.

Our response confirmed that, following an initial clarification, some information requested is held but was refused under section 12(1), as the request as it stood would have exceeded the cost limit set out in the FOIA. After careful consideration I have concluded that this response was compliant with the requirements of the FOIA.

Statutory deadline

The statutory deadline for your request was 21 February and the response was provided on 8 February. The response was therefore compliant with the requirements of the FOIA.

Outcome

There were several aspects to cover in the original question. There is no official definition of priority debt, hence the clarification request of 24 January 2018. You then provided a clarification, with a list of types of debt.

I have re-examined the question and the information that would be required to answer it. I can confirm that, as outlined in the response, all fine accounts would need to be opened and examined individually to attain the offence with which it relates to, then how many have been defaulted on and then subsequently what enforcement action had been taken, if any. A similar process would be required for liability orders where applicable. I can confirm that such investigative work would exceed the cost limit set out in the FOIA and in the response.

As there were several debt types listed in the request and as some aspects would exceed the cost limit to provide the information, the section 12(1) exemption was applied to the whole request, in accordance with the ICO's advice. This allows the requester to choose which part of the request they may wish to receive within the cost limit.

To help with the request, a refinement was suggested as well as including links to Her Majesty's Revenue and Customs (HMRC) and the Department for Work and Pensions (DWP) for the debt types that fall under their remit.

In conclusion I am satisfied that the response you received on 8 February was correct. As indicated in the original response, you are welcome to submit a refined request.

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
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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

Yours sincerely

Justice Statistics Analytical Services