



Disclosure Team
Ministry of Justice
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10 March 2021

Dear Mr Maxwell

Freedom of Information Act (FOIA) Outcome of Internal Review – 210225011

Thank you for your Internal Review request dated 25 February 2021 regarding FOI request 210114016 in which you asked for the following information from the Ministry of Justice (MoJ):

Please provide the following information in relation to the Digital Categorisation Service (DCS):

(1) Please describe how the DCS suggests a provisional category for a prisoner. In particular:

- (a) What data points does the DCS use to generate a provisional category?**
- (b) What weightings are assigned to those data points?**
- (c) How were those data points and weightings identified?**
- (d) If they were identified through machine learning, what training data was used in this process?**

(2) Please provide an example or a template of the completed categorisation form which is available to a prisoner on request, once the categorisation decision using the DCS has been made.

(3) The evaluation report for the DCS pilot (see here: <https://www.whatdotheyknow.com/request/656482/response/1589030/attach/7/Evaluation%20Report.pdf>) states that '[t]he distribution of appeals is quite varied across the pilot sites'. In light of the MoJ's analysis, for each of the pilot sites, please provide the following information:

- (a) What was the frequency of appeals, and the proportion of these appeals which were successful, before the introduction of the DCS?**
- (b) What was the frequency of appeals, and the proportion of these appeals which were successful, after the introduction of the DCS?**

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 that the MoJ held some of the information requested. We disclosed the information to question 1, we do not hold the information for

question 2 and question 3 was exempted under section 21. 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 25 March 2021 and the response was provided on 10 March 2021. The response was therefore compliant with the timeliness requirements of the FOIA.

Outcome

After careful consideration I can confirm that the link provided to the evaluation report in answer to question 3 did not provide the specific information about appeal rates (as compared to broad descriptions such as 'modest increase') as requested and did not provide the requested information about rates of successful appeals.

You were right in your response to highlight the passage taken from the report that proves this.

It was thus wrong to provide a link to the report and exempt that part of the request under section 21 of the FOIA under information that was already accessible to you.

In terms of question 3 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 the information requested is held we would be required to contact every prison establishment to ask them to conduct a full review of their complaint logs, in order to determine if they hold any information on appeals and outcomes. This would exceed the appropriate limit. Consequently, we are not obliged to comply with your request.

You may wish to consider, for example, refining your request to one particular prison establishment. 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: http://ico.org.uk/for_the_public/official_information

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

In conclusion I believe that the original response was partially incorrect for which I apologise.

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

MoJ Digital, Technology and Security