

J Roberts  
[request-670175-4fae6492@whatdotheyknow.com](mailto:request-670175-4fae6492@whatdotheyknow.com)

8 July 2020

Dear J Roberts,

**Freedom of Information Act (FOIA) Request – 200612013**

Thank you for your request dated 12 June 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

***“Paragraph 18 of MC v SSWP and TM (CSM)[2020] UKUT 157 (AAC) reads:***

***“18. The absence of a statement of reasons would normally put an applicant for permission to appeal in a very difficult position, given the need to identify an arguable error of law on the part of the FTT. However, in the present case the digital record of proceedings was available. I was able to satisfy myself on two points as a result of listening to the digital recording of the hearing.”***

***[https://assets.publishing.service.gov.uk/media/5edf7f2886650c3eee5d4338/CCS\\_1139\\_2019-00.pdf](https://assets.publishing.service.gov.uk/media/5edf7f2886650c3eee5d4338/CCS_1139_2019-00.pdf)***

***1. Please provide all information relating to the use of digital recording of FTT proceedings in the Social Entitlement Chamber and a tribunal participant's right to get a copy of the recording.***

***I'm particularly interested in information on what determines whether a digital recording is made/not made, the length of time recordings are held, the procedure for obtaining a copy and the cost involved. Can poor folk get help with the cost?***

***2. Please provide a copy of any form used to obtain a copy of the digital recording.***

***3. Please provide the number of requests (i) received and (ii) complied with for digital recordings relating to proceedings in the Social Entitlement Chamber in the year 2018/19.”***

Your request is being handled under the FOIA.

Regarding parts one and two of your request, we can confirm that the MoJ holds the information that you have requested. However, the information is exempt from disclosure under section 21 of the FOIA, because it is reasonably accessible to you. The information can be accessed via the following links:

<https://www.gov.uk/apply-transcript-court-tribunal-hearing>

<https://www.judiciary.uk/wp-content/uploads/2020/04/02-Apr-30-Practice-Direction-Audio-Video-Hearings.pdf>

For more information, please also see HMCTS 'Help with Fees' online service:  
<https://www.gov.uk/government/news/hmcts-online-fee-service-easier-for-customers>

Regarding part 3 of your request, the Social Entitlement Chamber (SEC) has confirmed that this information is not held. This is because there is no legal or business requirement for MoJ to do so.

Please be advised that the information requested is not recorded in the format that you require; in order to provide this information, a manual search of the relevant paper files would be necessary. Paper files for cases at the SEC are destroyed 6 months after the last action, in accordance with Record Retention and Disposition Schedules (RRDS). You can find out more about RRDS here: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>.

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.

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

Disclosure Team, Ministry of Justice

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.

Yours sincerely

**Knowledge and information Liaison Officer**  
**pp National Business Centre**