

J E Garner
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data.access@justice.gov.uk

13 October 2020

Dear Mr Garner,

Freedom of Information Act (FOIA) Request – 200915010

I am writing with reference to your request for information received in the Ministry of Justice (MOJ) on 15 September 2020, in which you asked for the following information from the MoJ:

“With reference to the findings of Judge Ord in the Mr Ben Plaistow v Secretary of State for Justice Employment Tribunal case, involving withholding of evidence, tampering, corrupting of documents etc. Please provide details of:

- 1. The report into the conduct of the respondents (MOJ) carried out by the woman in the Government's Legal Department as referred to in Paragraph 50.**
- 2. Please explain why, the woman in the Government's Legal Department is allowed to prepare the "Report into the conduct," when she herself was involved in the ET remedy hearing, is this not a conflict of interest?**
- 3. Please provide details of anybody involved in the above ET case, guilty of the "forgery of documents" having been disciplined/dismissed as a result of the MOJ's Legal Department's "Internal Review"**
- 4. Please provide details of those responsible for the "corruption of and misleading after-the-event creation of documents" as referred to in Paras 59 and 61 of the ET judgment, being referred to the Police/CPS for consideration of a prosecution for the criminal offence of forgery”.**

Your request is being handled under the FOIA and I am writing to inform you that we need more time to consider the public interest tests in relation to your request. The tests are being carried out because we need to consider the public interest balance in disclosing or withholding some of the information you have requested; i.e. information that is covered by section 38(1)(a): Health and safety – endangering the physical or mental health of any individual, and section 42 (1): Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

As yet, we have not reached a decision but are aiming to provide you with a full response by 10 November 2020.

When we are relying on the exemptions mentioned above and considering the public interest test arguments, section 10(3) of the FOIA enables a public authority to extend the 20 working day limit by a reasonable period, in this instance by a further 20 working days.

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

Disclosure Team, Ministry of Justice, 10.25, 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.

Yours sincerely,

R Mitchell
H M Prison and Probation Service