



# Ministry of Justice

MoJ HR Correspondence  
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Mrs Julie Price  
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[www.gov.uk](http://www.gov.uk)

**Our Reference:** 105553

9 June 2016

Dear Mrs Price,

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

Thank you for your Internal Review request dated 25 May regarding a Freedom of Information request in which you asked:

- *How many court staff have been sacked or charged with falsifying court documents or accepting falsified court documents.*

We responded to the above FOI on 11 May 2016. In our response we confirmed that we are not able to confirm whether the MoJ holds the information you have requested. You requested an internal review on 25 May 2016.

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. This is an independent review: I was not involved in the original decision.

In your request for an Internal Review you ask whether the MoJ has a fraud and discipline policy. Rather than treating this as a new request I am happy to provide this to you and have attached these as annex A and B.

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

Firstly, I am satisfied that the response you received on 11 May was issued within the 20 day statutory deadline as required by the Act and therefore complied with Section 10 (1) in relation to the timeliness of reply.

It may be helpful if I explain that Section 12 (2) provides public authorities with the right to exempt an FOI request should the cost of confirming whether the information requested is or is not held exceeds the appropriate limit within the Act.

I have reviewed the decision taken in your initial request and agree that it was correct to apply Section 12 (2). You requested the number of court staff who have been dismissed or charged with falsifying court documents or accepting falsified court documents. Although the MoJ records whether a staff member is dismissed or

disciplined on our electronic case management system, it is not recorded in the level of detail you have requested. This detail would be contained within a staff member's personal file. To confirm if this information is or is not held, we would be required to retrieve and search through each HMCTS staff members personal file who were dismissed or had a disciplinary charge recorded against them. I note that you have not specified a time frame so this search would encompass records held between 2011 to date. The law allows us to decline to answer requests under FOIA when we estimate that it would cost us more than £600 (equivalent to 3½ working days' worth of work, calculated at £25 per hour ) to confirm whether the department holds the information requested. It is carrying out the searches mentioned above that the cost limit would be exceeded. You may wish to refine your request to a specific time period, region or court, but we cannot guarantee that this will fall within the cost limit as we would still be required to search individual personnel files.

I note in your request for an Internal Review you questioned the reasoning for our engagement of Section 12 (2). Please note that the application of this exemption does not confirm that staff have or have not accepted "falsified documents", it means that the MoJ is unable to confirm if this information is or is not held without exceeding the cost associated with searching for this information within staff personal files.

As a result, I am satisfied that the response you received on 11 May was correct.

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 MoJ has disclosed in response to previous FOI requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website:

<http://www.justice.gov.uk/information-access-rights/latest-disclosure-log>

The published information is categorised by subject area and in alphabetical order.

Yours sincerely

**MoJ HR Correspondence**

## **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.org.uk/Global/contact\\_us](https://www.ico.org.uk/Global/contact_us)

