

Master Powel

Email to request-327294-b4fafc20@whatdotheyknow.com

E London.RSU.Kilo@hmcts.gsi.gov.uk
www.justice.gov.uk

FOI/104534

5 May 2016

Freedom of Information Request

Dear Master Powel

Thank you for your email dated 8 April 2016 sent to the Ministry of Justice, in which you asked for the following information:

'How many appeals to the Chancery Appeals Division from the county court have been rejected by the clerks after they have been received in time for an appeal by special delivery with the correct fee as listed on their website but nevertheless date stamped as out of time on 29th July 2015, so that the Chancery Division can reject the appeal application as out of time; and insist on an out of time application having to be completed before they will process the application.

Provide the date that the appeal from the county court that was date stamped as if received a day late, was apparently placed before the Chancery court in January 2016 and rejected for sending the increased fee demanded too late, when no increase is showing on their website. Please list the name of the judge who made this decision.

The link at the bottom of the page shows no increase in fee's.

Your request has been handled under the Freedom of Information Act 2000 (FOIA).

I can confirm that the MoJ does not hold the information that you have requested. To establish whether the information was held I conducted a thorough search, and made enquires with the Chancery Division Office within Royal Courts of Justice.

When assessing whether or not information was held, the business unit considered whether or not the information was data that is recorded. It was clear that this type of statistic is not recorded therefore they are unable disclose any information.

Please be advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. It does not place a duty upon public authorities to answer a question unless recorded information exists. The FOIA duty is to only provide the recorded information held.

UNCLASSIFIED

Although on this occasion we are unable to assist, your request seems to refer to specific information and we may be able to consider a further request if you provide the details of the case in question i.e. Case number and date of hearing. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA disclosure criteria.

You can find out more about information held for the purposes of the FOIA by reading some guidance points we consider when processing a request for information, attached at the end of this letter.

You can also find more information by reading the full text of the FOIA, available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>.

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 anonymous and published on our online disclosure log which can be found on the MoJ website:

<https://www.gov.uk/government/organisations/ministry-of-justice/series/freedom-of-information-disclosure-log>

Yours sincerely

Knowledge Information Liaison Officer

London Regional Support Unit

UNCLASSIFIED

How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at by someone who was not responsible for the original case, and they will make a decision as to whether we answered your request correctly.

If you would like to request a review, please write or send an email **within two months of the date of this letter** to the Data Access and Compliance Unit at the following address:

Data Access and Compliance Unit (10.38),
Information & Communications Directorate,
Ministry of Justice,
102 Petty France,
London
SW1H 9AJ

E-mail: data.access@justice.gsi.gov.uk

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.gov.uk/Global/contact_us.aspx

EXPLANATION OF INFORMATION HELD FOR THE PURPOSES OF THE ACT

We have provided below additional information for information held for the purposes of the Freedom of Information Act. We have included some of the guidance we use when considering requests for information. I hope you find this information useful.

Is the information 'held' for the purposes of the Act?

A person may request any information 'held' in any recorded form by a public authority (or held by another on behalf of a public authority).

If the requester is asking for an opinion on an issue or asking for information that is not already held to be created, this is not a Freedom of Information Act request.

Information covered by the Act

All recorded information 'held' by a public authority is within the scope of the Freedom of Information Act. It includes files, letters, emails and photographs and extends to closed files and archived material.

Recorded information

The right of access applies to information recorded in any form. This includes:

- information that is held electronically (such as on a laptop computer or an electronic records management system)
- information that is recorded on paper (such as a letter, memorandum or papers in a file)
- sound and video recordings (such as a CD or videotape)
- hand-written notes or comments, including those written in note pads or on Post-it notes

Is the information 'held' under the Freedom of Information Act?

'Holding' information includes holding a copy of a record produced or supplied by someone else. However, if a public authority only holds information on behalf of someone else, for example a department holding trade union information on their computer system, then that public authority may not have to provide the information in response to a Freedom of Information Act request.

In some cases, it may not be clear whether information which is physically present on your premises or systems is properly to be regarded as 'held' by your public authority, for the purposes of the Freedom of Information Act. Examples include:

- private material brought into the office by ministers or officials
- material belonging to other people or bodies
- trade union material
- constituency material
- material relating to party political matters.