



The Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

Mr Dudley Jones
By email only: request-693064-a405001b@whatdotheyknow.com

data.access@justice.gov.uk

Date: 15th October 2021

Dear Mr Jones,

Freedom of Information Act (FOIA) Outcome of Internal Review – 210919007

Thank you for your FOIA Internal Review request received on the 19th September 2021, regarding FOIA request 200923004, in which you stated:

I am writing to request an internal review of Judicial Conduct Investigations Office's handling of my FOI request 'How many FOI Requests to the JCIO were refused in the last 3 years because they were 'vexatious'?

The purpose of an Internal Review (IR) is to assess how your FOIA 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 original request, dated 23rd September 2020, you asked for the following information from the Ministry of Justice (MoJ):

“How many FOI Requests to the JCIO were refused in the last 3 years because they were 'vexatious'”

The response to your original request confirmed that the information requested is held and that two FOIA requests, had been refused, in the last three years, because they were vexatious. When you questioned this response, citing data from the JCIO's annual report, Nazir Rasul replied that the annual report data referred to *complaints* dismissed as vexatious, not FOIA requests.

Statutory deadline

The statutory deadline for your request was 21st October 2020. The response was provided to you on 21 October 2020, and was, therefore, compliant with the *timeliness requirements* of the FOIA.

Outcome

Your request related to an FOIA request, and was reasonably interpreted as specifically asking about FOIA requests refused due to being vexatious. Normal enquiries and complaints, that are dealt with as normal business, (because they are not FOIA), but which

are refused as vexatious, would not be within scope of your original FOIA request. That is why you received the response you did.

It may help if I clarify that the MoJ receives FOIA requests, but also separate non-FOIA enquires, and complaints. Enquiries and complaints which are not FOIA, are dealt with as regular correspondence and complaints. Although FOIA requests have to be refused using an FOIA exemption, i.e. s14 (Vexatious), regular complaints, (or answers to regular correspondences), can be refused as vexatious, without reference to an exemption.

The JCIO's annual report which you cited, it was explained to you, referred not to FOIA requests, but to regular non-FOIA *complaints*, that had been dismissed as vexatious. Your FOIA concerned FOIA requests refused as vexatious, but not to regular correspondences.

Therefore, I am satisfied that the response to your original request and Mr Rasul's subsequent explanation of the position was correct. Your request was about refusals of FOIA requests, which are those requests specifically handled under the Freedom of Information Act. The reply you were provided was about the refusal of requests under the FOIA legislation, using the FOIA section 14(1) (vexatious) exemption. As, that is what had been enquired about, MoJ reply provided on the 21 October 2020, was, consequently, compliant with the FOIA requirements.

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,

Anthony O'Loughlin
Judicial Conduct Investigations Office