



# Ministry of Justice

Vanessa Rowan  
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Our Reference: FOI 105725

30 June 2016

## Freedom of Information Request

Dear Ms Rowan

Thank you for your e-mail of 2 June in which you asked for the following information from the Ministry of Justice (MoJ):

**I writing to request the list of companies with whom NOMS currently holds contracts to provide prisoner labour (i.e. companies for whom work is done by prisoners in "industrial type workshops"), by location (for those contracts which are associated with specific establishments) and including contract value (where that information is available).**

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

I can confirm that the department holds information that you have asked for in respect of these questions. The information is exempt under section 21 of the FOIA because it is reasonably accessible to you.

Section 21 exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information. However, I am pleased to provide you with the following link to the ONE3ONE Customers and Sales 2015-16 table. This provides information on businesses and other organisations<sup>1</sup> that have contracts or agreements with the National Offender Management Service (NOMS) that provide work in prison and training academies: <http://one3one.justice.gov.uk/our-clients/index.html>

The table shows the prisons (or cluster of prisons) involved, the nature of the product or service being provided and the value of sales transactions for the Financial Year April 2015 to March 2015-6. Some of these contracts or agreements have become inactive during the year. This data has been extracted from records held centrally by NOMS and reflects those contracts where notification has been provided to ONE3ONE Solutions by Prisons. The data has been drawn from administrative IT

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<sup>1</sup> Including Other Government Departments and Agencies but excludes the 10 year agreement with the Ministry of Defence (MoD) to use prison workshops to supply the Armed Forces.

systems, which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Prisons work with businesses to help rehabilitate offenders and secure employment for them. The involvement of business, the charity sector, and the private sector, is good for the criminal justice system. Working in prisons helps offenders get the skills and qualifications to make a success of life on the outside.

As we reform our prison estate, we are committed to providing prisoners with more education, work and an opportunity to redeem themselves. That way we can reduce reoffending, cut crime and keep our streets safer. Providing meaningful training, which offers prisoners a real opportunity to turn their lives around, develop skills and a real work ethic are key elements of helping prisoners find a job on release.

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

Also, the MoJ has disclosed responses to previous FOI requests. Responses are anonymised and published on our on-line 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  
Ellin Christodoulou

## **EXPLANATION OF FOIA - SECTION 21 – INFORMATION ACCESSIBLE BY OTHER MEANS**

We have provided below additional information about Section 21 of the Freedom of Information Act. We have included some extracts from the legislation, as well as some of the guidance we use when applying it. We hope you find this information useful.

### **The legislation**

#### **Section 1: Right of Access to information held by public authorities**

- (1) Any person making a request for information to a public authority is entitled—
- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
  - (b) if that is the case, to have that information communicated to him.

#### **Section 21: Information accessible to applicant by other means**

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

### **Guidance**

Section 21 exempts information from the right of access under the Freedom of Information Act if that information is reasonably accessible to the applicant by other means.

Section 21 is aimed at preserving intact all existing laws providing access to information. The Freedom of Information Act is not designed to subsume other legal access rights, nor to give alternative routes of access where existing regimes are already available. The Freedom of Information Act access rights build on, but do not replace, previous access rights. Those existing rights, and the separate procedural regimes which are tailored to them, continue in place, and the Freedom of Information Act observes corresponding limits to its role.

Section 21 also confirms that the Freedom of Information Act does not provide alternative means of access to information which is already freely available, either through commercial publishing operations or through existing publicly funded provision. The Freedom of Information Act rights are designed to supplement, and not to duplicate, the usual flow of information to the public through the commercial electronic and print media, and through existing library and archive services.

Section 21 is an absolute exemption, which means that no consideration of the public interest test is required to withhold information.

## How to Appeal

### Internal Review

If you are not satisfied with this response, you have the right to an internal review. Your request will be handled 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](mailto: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: <http://www.ico.org.uk/>