

Deb Williams
request-590899-aeaf84ed@whatdotheyknow.com

7 August 2019

Dear Ms Williams

Freedom of Information Act (FOIA) Request – 190719002

Thank you for your clarification request, received on 19 July 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

- 1. Please provide the dates of all creditor bankruptcy petitions that were filed into the County Court at Maidstone in 2018 on behalf of Maidstone Borough Council by J E Baring & Co (solicitors).**
- 2. Please also provide the date they were filed, including the filing fee and date it was paid and the method of payment and the notification date of the pending action.**
- 3. How many were accepted by the court and if any were rejected the reason for their rejection.**
- 4. For all those accepted by the court the name of the judge the petitions and evidence were originally put before (prior to the original bankruptcy petition allocation hearing date).**
- 5. In addition, please confirm any further dates made by any other judge or deputy judge extending the original bankruptcy hearing allocated date to a future date (before the original date was heard), and the name of the judge this second application was put before to change the original bankruptcy hearing date.**
- 6. How many petitions on behalf of Maidstone Borough Council have been filed elsewhere please provide the name of the court) and then transferred to the County Court at Maidstone.**
- 7. Lastly, please provide what is required from the petitioning creditor before the County Court Office at Maidstone will accept a petition as valid, and if all codes of practice are strictly adhered to.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested and I have provided it below and attached. However, some of it is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

Questions 1, 2 & 3

This information is exempt from disclosure under section 40(2) of the FOIA, because it contains personal data.

If a request is made for information and the total figure amounts to five people or fewer, the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the General Data Protection Regulation and/or the Data Protection Act 2018. We believe that the release of some of this information would risk identification of the individuals concerned. For this reason, MoJ has chosen not to provide an exact figure where the true number falls between one and five. However, it should not be assumed that the actual figure represented falls at any particular point within this scale; 'five or fewer' is used as a replacement value from which it would be difficult to isolate or extract any individual data.

Personal data can only be released if to do so would not contravene any of the data protection principles set out in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018.

We believe releasing the requested information into the public domain would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

This is an absolute exemption and does not require a public interest test.

Question 4

I can confirm no creditor petitions are put before a Judge until the hearing date.

Question 5

I can confirm no further dates were made by any other judge or deputy judge extending the original bankruptcy hearing allocated date to a future date for either case.

Question 6

I can confirm that no petitions on behalf of Maidstone Borough Council have been filed elsewhere.

Question 7

Please see attached document which provides information about what is required from the petitioning creditor before the County Court Office at Maidstone will accept a petition as valid.

It is confirmed that all codes of practice are adhered to.

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, 10.38, 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

Knowledge Information Liaison Officer
London & South East Regional Support Unit