

Mr Neil Wilby
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21 October 2020

Dear Mr Wilby,

Freedom of Information Act (FOIA) Request – Our ref: 200929007

Thank you for your request received on 29 September 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

Dear Judicial Conduct Investigations Office,

Please disclose, by way of the Freedom of Information Act, all judgments of Lady Justice Carr DBE (as she is now) where she was the Nominated Judge in complaints made against other judges or Recorders.

The relevant period is 1st September, 2019 until 31st August, 2020

Yours faithfully,

Neil Wilby

I can confirm that the MoJ holds the information you have requested. However, such information is exempt from disclosure under section 44(1)(a) of the FOIA, because such disclosure is prohibited under another enactment.

In this instance, section 139 of the Constitutional Reform Act 2005 (CRA) establishes a duty of confidentiality on those who have responsibilities in relation to matters of conduct and discipline involving judicial office holders, where information is provided under, or for the purposes of, a relevant provision of the Act. Information obtained for the purposes of a function under Part 4 of the CRA is confidential by virtue of section 139 of that Act.

The MoJ considers the requested information as confidential by virtue of section 139(3) of the CRA. In our assessment, there is a credible risk that, coupled with information obtained from other sources, disclosure of the requested information could lead to the identification of an individual or individuals.

Section 139 permits disclosure of confidential information obtained for the purposes of judicial discipline in limited and specified circumstances, defined in section 139(4) of the CRA. The MoJ does not consider there to be lawful authority for disclosure of the information requested.

Section 44 is an absolute exemption and is not subject to a public interest test.

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
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/Global/contact-us>

Yours sincerely

Nazir Rasul
JCIO