

Paul Sullivan
request-632345-3424511b@whatdotheyknow.com

data.access@justice.gov.uk

3 February 2020

Dear Mr Sullivan

Freedom of Information Act (FOIA) Request – 200107006

Thank you for your request dated 7 January 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

Could you please provide me with rates of pay for working and non-working prisoners in public prisons in England and Wales as of 1st January 2020.

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

We believe that the cost of locating, retrieving and extracting the information would exceed the appropriate limit. Consequently, we are not obliged to comply with your request. It may be helpful if I explain that, whilst prisoners' pay policy is set within an overall national policy framework, individual rates are set by each prison governor independently. We would therefore be required to approach all 107 public sector prisons and ask each of them to locate and provide the information.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, listing a small selection of individual prisons. You can find a list of all public sector prisons in England and Wales on the following link: www.justice.gov.uk/contacts/prison-finder. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information

http://www.legislation.gov.uk/uksi/2004/3244/pdfs/ukxi_20043244_en.pdf

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

W J Coonerty
HM Prison and Probation Service