



# Ministry of Justice

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Our Ref: FOI IR 87473

10 January 2014

Dear Mr Tyes,

## **Freedom of Information Act 2000 (FOIA) – Outcome of Internal Review**

Thank you for your Internal Review request dated 14 December 2013 regarding a Freedom of Information request in which you asked for:

***Chris Grayling has appointed Sir Bill Jeffrey to conduct a thorough and independent review of independent criminal advocacy.***

***Please could you let me know the estimated cost to the public purse of this Review and when it is expected to report back.***

***Your response has been delayed.***

***By law you should have responded promptly and by 13th December.***

***I therefore request an internal review.***

The purpose of an Internal Review is to assess how your Freedom of Information 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.

I have reassessed your case and after careful consideration I have concluded that the initial response that was sent to you was partially compliant with the requirements of the FOIA. An explanation of my decision follows. This is an independent review: I was not involved in the original decision.

Your original request reference FOI 86926 was delayed by the department as a consequence of the need to search for the information that you requested. However the response was issued outside of the 20 day statutory deadline and I acknowledge that this is non compliant with the FOIA, please accept my apologies for the delay in the department getting the response to you; the search for all of the relevant information through our systems took longer than anticipated.

Your response confirmed that the department does not currently hold the information that you requested in relation to costs of the Review, however the response confirmed that the department intends to collect this information and publish it when

the review is published in late March 2014 and a link to the relevant internet pages was also provided.

You were then advised that the FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. This includes the creation of estimates. The act does not place a duty upon public authorities to answer a question unless the recorded information exists. The FOIA duty is to only provide the recorded information held.

I am therefore satisfied that the response you received on 24 December, although outside the statutory deadline, was correct.

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

You can also view information that the Ministry of Justice has disclosed in response to previous Freedom of Information requests. Responses are anonymised and published on our on-line disclosure log which can be found on the MoJ website: <http://www.justice.gov.uk/information-access-rights/latest-disclosure-log>

The published information is categorised by subject area and in alphabetical order.

Yours sincerely

**RACHEL HASTINGS**

### **How to Appeal**

#### **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: [https://www.ico.org.uk/Global/contact\\_us](https://www.ico.org.uk/Global/contact_us)

