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Mr McCullagh

c/o request-147957-0c38b3e0@whatdotheyknow.com

19 February 2013

Our Reference: 80582

Dear Mr McCullagh,

Freedom of Information Request

Thank you for your e-mail of 30 January 2013, in which you asked for the following information from the Ministry of Justice (MoJ):

“Please provide the following information for the period September 24th to September 29th 2012 inclusive:

- (1) The number of interpreter claim forms submitted to The Payments & Accounts Department, Lowestoft Magistrates' Court, Old Nelson St, Lowestoft [e.g 90 claims]**
- (2) The number of individual court hearings for which interpreters were provided in the answer to question (1). NB Many claim forms will relate to more than one hearing, all of which will be entered on the form. [e.g. 101 cases]**
- (3) The breakdown by language of the figures arrived at in the answer to questions (1) and (2). NB the language is always entered on the claim form [e.g. Tamil 4 claims; 5 hearings]**
- (4) The monetary value of (1) [e.g. £13,000]**
- (5) The breakdown by court name of the figures arrived at in answer to questions(1) and (3)**
- (6) The breakdown per language of monies spent on fees and expenses [e.g Dutch £200 fees, £100 expenses].**
- (7) The proportion of claims for which agencies were used to source the interpreter [e.g. agencies 4.5% of claims]**
- (8) The proportion of claims relating to cases cancelled in advance [e.g cancellations 0.3% of claims].**

Please note that I am aware that a common automated spreadsheet is used for all cases which should make statistic-gathering straightforward and speedy.”

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

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I can confirm that the MoJ holds all of the information for which you have asked. I am pleased to provide the information for the remainder of your request to you in the attached annex.

The information is in tabular form, which I hope will be the most useful format for you. Please note that this data is for claims received during 24-29 September 2012, which may not equate to hearings held during that period.

However, you should note that the specific languages used at each court has been redacted from the information because of the potential to contravene provisions of the Data Protection Act 1988 (DPA) when used in conjunction with the other information supplied, with the potential to identify defendants or witnesses. We are not obliged, under section 40(2) of the Act, to provide information that is the personal information of another person if releasing would contravene any of the provisions in the DPA, for example, if disclosure is unfair.

The terms of this exemption in the Freedom of Information Act mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 40(2) by reading the extract from the Act and some guidance points we consider when applying the exemption, attached at the end of this letter.

You can also find more information by reading the full text of the Act (available at <http://www.legislation.gov.uk/ukpga/2000/36/section/40>) and further guidance <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/exemptions-guidance>. The Data Protection Act can be found at the following link: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

You can also find more information by reading the full text of the Act (available at <http://www.legislation.gov.uk/ukpga/2000/36/contents>) and further guidance <http://www.justice.gov.uk/guidance/freedom-of-information.htm>.

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/foi-requests/latest-moj-disclosure-log>

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

Yours sincerely,

Margaret Haig

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How to Appeal

Internal Review

If you are not satisfied with this response, you have the right to an internal review. The handling of your request will be looked at 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 to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

Data Access and Compliance Unit (10.34),
Information & Communications Directorate,
Ministry of Justice,
102 Petty France,
London
SW1H 9AJ

E-mail: 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: https://www.ico.gov.uk/Global/contact_us.aspx

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EXPLANATION OF FOIA - SECTION 40(2) – INFORMATION RELATING TO THIRD PARTIES

We have provided below additional information about Section 40(2) 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 40: Personal Information.

(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is—

- (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the M1Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the M2Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

Guidance

Section 40 of the Freedom of Information Act applies to:

- requests for the personal data of the applicant him or herself
- requests for the personal data of someone else (a third party)

Personal data of a third party: Personal data of a third party is exempt under section 40(2) if its disclosure to a member of the public would contravene one or more of the data protection principles and a request must be refused.

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The Data Protection Principles:

The data protection principles are a statutory code for the processing of personal data. They are set out in Part I of Schedule 1 to the Data Protection Act.

Three data protection principles require personal data to be:

- fairly and lawfully processed
- processed for specified and lawful purposes
- adequate, relevant and not excessive
- accurate, and kept up to date
- not kept longer than necessary
- processed in accordance with individuals' rights under the Data Protection Act
- kept secure
- not transferred to non-EEA (European Economic Area) countries without adequate protection

The principle most likely to be relevant to the disclosure of information under the Freedom of Information Act is the first principle. This requires personal information to be:

- processed 'fairly'
- processed 'lawfully'
- not processed at all unless one of the 'conditions' for fair processing is met

Processing in this context includes disclosure.

In most cases, personal data will be exempt if disclosure would be 'unfair'. Disclosure of personal data relating to a third party will often breach the fair processing principle if there was a legitimate expectation by a third party that this information would remain confidential.