



Ministry
of Justice

Disclosure Team
Ministry of Justice
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Mr Albert Matthews
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7 November 2018

Dear Mr Matthews

Freedom of Information Act (FOIA) Outcome of Internal Review – 181016014

Thank you for your Internal Review request dated 16 October 2018 regarding FOI request 180814013 in which you asked for the following information from the Ministry of Justice (MoJ):

'Please could you supply any information held on the following, Traffic enforcement centre

1) Statistical stats in relation to statutory declarations - submitted, approved/refused.

2) Statistical stats in relation to out of time applications - submitted, approved/refused.

3) Are officers asked to take an oath or is it pure business.

4) How is it all legal as dealing with a person who has the right to a fair trial and when dealing in an administrative way not respected by Halsbury's law to place forfeitures to man legal in respect of processes.

5) The current criteria (including policies, rules, guidelines, training material, or internal memos) for court officers, on whether to allow late service of the statement under regulation 23(4) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

6) The current criteria (including policies, rules, guidelines, training material, or internal memos) for court officers, about how much, if any, weight to place on the applicant's accompanying explanation (TE7) of why he or she needs an extension of time under regulation 23(3).

7) The current criteria (including policies, rules, guidelines, training material, or internal memos) for court officers, on what is to be regarded as meeting the test of 'unreasonable in the circumstances of his case' in regulation 23(3).

8) Any template documents to be sent to the local authority inviting representations

under practice direction 75 5.3. 9) Can you let me know the top 5 reasons given why applications to file an out of time statement gets refused by the court officer

10) Can you let me know the top 5 reasons why applications to file an out of time statement gets accepted by the court officer

11) Can you let me know why there is no reason given if an out of time application is refused hopefully my request can be fulfilled with up to date information seen as the review promised on the traffic enforcement sides was concluded in April 2018.'

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

The response to your original request confirmed that some of the information requested is held, but your request was refused under section 12(1) due to the cost of obtaining the information, which would exceed the appropriate limit of £600. After careful consideration I have concluded that this response was compliant with the requirements of the FOIA.

Statutory deadline

The statutory deadline for your request was 12 September 2018 and the response was provided on 4 September 2018. The response was therefore compliant with the requirements of the FOIA.

Outcome

Section 12(1) of the FOIA states that "*Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*" The "appropriate limit" is £600, equating to 3.5 working days or 24 continuous hours, as defined in the FOIA and Data Protection (Appropriate Limit and Fees) Regulations 2004. This limit concerns the time taken to identify, locate, extract, and provide the requester with all of the information requested

An interrogation of each individual registration on the Traffic Enforcement Centre's Management Information System since 1994 would be required to provide you with the information. This amounts to approximately 28,000,000 electronic files, requiring a minute each to interrogate and at a time estimate of 466666.67 hours. Therefore, the cost of providing you with the information has been calculated at £11,666,666.67. This would far exceed the cost and resource limits set by section 12(1) of the FOIA.

Under section 12(1) of the FOIA, the MoJ is not obliged to provide any information at the level of detail required where the cost of doing so exceeds the prescribed limit the act has set. I also note that in the response the department complied with section 16 of the FOIA, to provide advice and assistance, by providing you with advice on how to refine the scope of your request so that it falls within the cost limit (i.e. reducing the scope or time period).

Where section 12 applies to one part of a request we refuse all of the request under the cost limit as advised by the Information Commissioner's Office. This is why points 3 to 11 were not responded to in your letter dated 4 September 2018.

In conclusion I am satisfied that the response you received on 4 September 2018 was correct.

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

Knowledge Information Liaison Officer
North West Regional Support Unit