



Ministry of JUSTICE

Mr B Frodham

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Our Ref: IR/95209/2014

9th January 2014

Dear Mr Frodham,

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

Thank you for your Internal Review request dated 18 December 2014 regarding a Freedom of Information request in which you asked for:

Q1. Please disclose whatever information the Ministry of Justice holds relating to any estimates or forecasts it made regarding additional revenue it would secure (because of the benefit reforms) through the Magistrates' court fee in liability order applications.

Q2. Since the introduction of benefit reforms, how much in respect of each relevant year does the additional revenue through court fees amount to.

Q3. What purpose has the additional revenue generated (Q.2) been used

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.

I have reassessed your case and after careful consideration I have concluded that due to a procedural oversight no initial response was sent to you following your original request dated the 16 November 2014 and therefore the Ministry of Justice (MoJ) was non compliant with the requirements of the FOIA and for that I apologise on behalf of the MoJ.

I have assessed your original request for information, and unfortunately I will not be able to answer it without further clarification. Section 1(3) of the Freedom of Information Act does not oblige us to answer requests where we require further clarification to identify and locate the information requested. We are unable to answer your request unless you provide us with further information.

You can find out more about Section 1(3) by reading the extract from the Act and some guidance points we consider when applying this 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/1>.

In an attempt to answer your questions 1 to 3 above, I have made enquiries with HMCTS Finance Directorate and they are currently unclear as to the exact scope of the information in which you are interested. In order to help ensure that I provide you with the right information, I would be grateful if you could clarify your request and identify which area of the business within Her Majesty's Court and Tribunals Service you are referring to in relation to benefit reforms and also which particular benefit reform you require information on? It is possible that another Government Department may hold the information you are requesting e.g. the Department for Work and Pensions and upon receipt of a further clarification I will be in a position to continue with the processing of your request.

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 GOV.UK website: <http://www.justice.gov.uk/information-access-rights/foi-requests/latest-moj-disclosure-log>

Yours sincerely

A handwritten signature in black ink, reading "Christopher J Cox". The signature is written in a cursive style with a large, stylized 'C' at the beginning.

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.gov.uk/Global/contact_us.aspx

Annex A

Reasons for delays in responding to FOI request:

If a response was sent late, you should acknowledge in your internal review why that was the case, and apologise for the inconvenience. You may wish to use one of the following explanations.

Option A: by a procedural oversight

Option B: as a consequence of the need to search for the information.

Option C: the need to consider in all the circumstances of the case, in particular where the balance of the public interest lies in relation to the information you have requested.

Section 10(3) of the Freedom of Information Act allows the Ministry of Justice to exceed the 20 working day response target where reasonably necessary to consider the public interest fully.

The Ministry of Justice has not yet reached a decision as to where the balance of the public interest lies in relation to the information you have requested due to the above mentioned sensitivities surrounding this information. I can confirm that this task is still underway but I have been assured by the case working section of DACU that you should receive a substantive response to your request shortly.

EXPLANATION OF FOIA – SECTION 1(3) - FURTHER INFORMATION REQUIRED IN ORDER TO IDENTIFY AND LOCATE THE INFORMATION REQUESTED.

We have provided below additional information about Section 1(3) 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: General 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.

(2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.

(3) Where a public authority—

- (a) reasonably requires further information in order to identify and locate the information requested, and
- (b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

Guidance

Is the request clear and specific?

If the request is unclear or vague, the public authority are obliged to provide reasonable assistance to the person who made the request.

This means more than simply telling them that their request is not specific enough, the public authority should take reasonable steps to provide assistance to the requester. The aim should be to assist the requester to refine their request so that it becomes specific enough for the public authority to identify the information they want. Once the original request has been clarified, the public authority can continue to process the request in line with the Freedom of Information Act.