



Ministry of Justice

Neil Dickens
Interim KILO
MoJ Technology
5.41, 102 Petty France
London SW1H 9AJ

data.access@justice.gsi.gov.uk
www.justice.gov.uk

Pat James
[request-294144-3e83bdcd@whatdotheyknow.com](#)

Our Reference: FOI 100502

October 2015

Rejection of Freedom of Information Request

Dear Pat,

Thank you for your email of 26 September, in which you asked for the following information from the Ministry of Justice (MoJ):

'Dear Ministry of Justice, in your email replies to FOI requests you often insert the following "This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail."

Please provide an explanation of the lawful validity of this statement, together with any documentation that would ensure its enforcement.'

Your request has been passed to me because I have responsibility for answering requests relating to MoJ Technology and I can confirm that your request does not meet the criteria set within the Freedom of Information Act 2000 (FOIA), and this response is not required to adhere to the timelines and appeals process as set by the FOIA.

The grounds for this decision are due to the fact that your request is based upon a conditional change in circumstances that assumes the MoJ would pursue legal recourse against an individual on the publication of an FOI response; *'In the event of x, please send me information on y...'* which is deemed by the Information Commissioner's Office to invalidate the request under Section 8 of the FOIA. Further information on Section 8 can be found at:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

Despite the fact your request does not fulfil the requirement of an FOIA, I would like to take this opportunity to provide an answer to your question:

All emails sent out from the MoJ are subject to the following automated footnote which is added as they leave our email server, regardless of the email content:

"This e-mail (and any attachment) is intended only for the attention of the addressee(s). Its unauthorised use, disclosure, storage or copying is not permitted. If you are not the intended recipient, please destroy all copies and inform the sender by return e-mail."

Internet e-mail is not a secure medium. Any reply to this message could be intercepted and read by someone else. Please bear that in mind when deciding whether to send material in response to this message by e-mail.

This e-mail (whether you are the sender or the recipient) may be monitored, recorded and retained by the Ministry of Justice. E-mail monitoring / blocking software may be used, and e-mail content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes."

As the whole statement above is fully automated, any email generated from inside the MoJ to an external recipient will contain all lines, regardless of the content of the email or its intended recipient.

The element you have highlighted in your question (line 1 of the statement) is intended to protect the MoJ should an email be sent inadvertently to the wrong recipient.

Should an email with contents that warranted protection, (such as, but not limited to; data classified as "secret", "top secret", exempt under the FOIA 2000 or subject to the Data Protection Act 1998) be inadvertently misdirected, this statement would form the basis of the MoJ pursuing the required legal recourse to prosecute a crime committed based upon the legislation relevant to the infraction and/or exploitation of the data in question.

As an email containing a response to an FOI request is an open response designed for general publication under the FOIA 2000, the "intended recipient" is not limited to a single person and therefore the statement would not form the basis of legal recourse by the MoJ. This follows the principles of the FOIA, which states "*everybody has a right to access official information. Disclosure of information should be the default*"

In following the principles of the FOIA, if the MoJ were to send an email containing an FOI to the wrong recipient inadvertently, there would be no recourse for legal pursuit as the MoJ would "*consider any information released under the Act as if it were being released to the world at large*" regardless of the recipient.

Any recipient of an FOI response is authorised to share the response in full and no "unauthorised" use exists, therefore the "conditional change in circumstances" as set out in Section 8 of the FOIA is applied.

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>.

Further information on the Data Protection Act can be found at: <http://www.legislation.gov.uk/ukpga/1998/29/contents>

Yours sincerely

Neil Dickens
Interim Knowledge Information Liaison Officer