



Ministry of Justice

Data Access & Compliance Unit
Information Directorate
Ministry of Justice
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Pat James,
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Our Ref: 104457

3 May 2016

Dear Pat James

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

Thank you for your Internal Review request dated 6 April regarding a Freedom of Information request in which you asked for:

“Please provide a copy of any documentation which advises the response to a FOI request for recorded information, is that the request is invalid, which you invariably use erroneously to abrogate responsibility.”

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 compliant with the requirements of the FOIA. An explanation of my decision follows.

Your original request was responded to within the 20 day statutory deadline as required by the Act. The response explained that the information you requested was available by other means and was refused under section 21 of the Act. A link was provided to section 8 of the Freedom of Information Act 2000.

In your IR you said:

“your response is unacceptable in that you quote legislation, which imposes a legal requirement and cannot be advisory as it is regarded by yourselves as mandatory. My request refers only to advisory documentation, which would include; guidelines, codes of practice, office rules memos and other internal documentation from within the Ministry of Justice which may be used as advice when answering or responding to legitimate Freedom of Information requests.”

Our decision:

The staff working in the data access and compliance unit use the information provided by the Act to determine the validity of FOI requests which are sent to the department. Compliance with the legislation is the only measure that is required of

the team in determining the validity of a request. As such, there are no other documents produced in-house for the staff of the Data Access and Compliance Unit (DACU) to use in respect of section 8 of the Act. That said, I consider that we could provide you with a hand out used for training the Knowledge and Information Liaison Officers who draft and respond to FOI requests across the department. A copy of this is attached.

Where necessary the DACU will also consider published rulings on the ICO website's "guidance for organisations" page. Again this is available in the public domain.

I am therefore satisfied that the response you received on 6 April 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

DATA ACCESS AND COMPLIANCE UNIT

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