

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 20 February 2020

**Public Authority:** Ministry of Justice  
**Address:** 102 Petty France  
London  
SW1H 9AJ

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish her with any information she requires to enforce the requirements of the Act.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

she may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

### **Application under section 50**

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1. The Commissioner has received an application under section 50, reference FS50853293, for a decision whether a request for information made by the complainant to the Ministry of Justice (MoJ) on 24 January 2019, has been dealt with in accordance with the requirements of Part I of the Act.

## Nature of complaint

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2. On 24 January 2019 the complainant made the following request for information under the FOIA:

*"... can you tell me how much money was spent on legal aid for all of the claimants involved in the case that you have records for on the aforementioned list between the months of January 2004 and January 2018. I do not require any personal information relating to the individual claimants. I would only like to know how much money in total was spent on the cases that have now been discontinued..."*

3. The MoJ responded on 21 February 2019. It refused to provide the requested information, citing section 31(1)(c) (law enforcement) of the FOIA as its basis for doing so.
4. The complainant requested an internal review on 15 April 2019. The MoJ sent her the outcome of its internal review on 16 May 2019, maintaining its original position.
5. The Commissioner wrote to the MoJ on 19 August 2019 asking for its submission in this case and for a copy of the withheld information. The MoJ responded on 11 September 2019. In that correspondence, the MoJ told the Commissioner that it did not consider it necessary to provide her with a copy of the withheld information. It was not until 25 November 2019, following further correspondence, that the MoJ provided the Commissioner with the withheld information.
6. The Commissioner wrote to the MoJ on 19 December 2019 regarding the information provided. The MoJ responded on 30 December 2019.
7. Having received its response, the Commissioner wrote to the MoJ on 6 January 2020, seeking clarification of its response. She required it to respond to her by 20 January 2020.
8. The Commissioner accepts that, following that correspondence, the MoJ contacted her on 6 February 2020 and 17 February 2020. However, at the time of writing, it had failed to provide the clarification she requires.

## Information required

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9. In view of the matters described above the Commissioner hereby gives notice that in the exercise of her powers under section 51 of the Act she requires that the MoJ shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:

- a full response to her correspondence of 6 January 2020, a copy of which is attached to this notice.

### **Failure to comply**

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10. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.

## Right of appeal

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11. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0870 739 5836  
Email: [grc@Justice.gov.uk](mailto:grc@Justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

**Signed .....**

**Carolyn Howes**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**