

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 18th October 2005

Name of Public Authority: Department for Constitutional Affairs

Address of Public Authority: Selborne House
54 Victoria Street
London
SW1E 6QW

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 7th January 2005 the following information was requested from the Department for Constitutional Affairs (the "DCA") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Did [*named district Judge*] on 17 April 1997 hold an appointment made by the Lord Chancellor pursuant to Section 102 of the Supreme Court Act 1981 to sit as a Deputy District Judge of the High Court to dispose of any business in my action 1996-J-No1628 against [*named individual*] proceeding in the Queens Bench Division of the Newcastle upon Tyne District Registry of the High Court of Justice?"

It is alleged that the information requested was not supplied.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the Complainant and the public authority.

The Commissioner's decision is as follows:

The DCA provided an answer to the above question on 3rd February 2005 and, in so doing, have provided information in accordance with the requirements of section 1(1) of the Act. The Complainant has stated that the response was insufficient as specific documents evidencing the appointment of [*named district Judge*] were not provided as part of this response. Section 1 of the Act does not provide any right of access to specific documents and the

Complainant did not refer to any specific documents in his initial request. The Commissioner's decision in this instance is that the DCA responded to the information request in accordance with the requirements of section 1(1) of the Act and have therefore complied with Part I of the Act.

Section 1(1) of the Act states:

"Any person making a request 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."

Action Required

In view of these matters the Commissioner hereby gives notice that he does not require any remedial steps to be taken by the Department for Constitutional Affairs.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 18th day of October 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF