

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2022

Public Authority: Parole Board for England and Wales
Address: 3rd Floor, 10 South Collonade
London
E14 4PU

Decision (including any steps ordered)

1. The complainant requested information about a named individual recalled to prison. The Parole Board for England and Wales (the 'Parole Board') provided some information about dates but withheld the remainder citing section 32(1)(a) of FOIA (a subsection of the exemption for court records).
2. The Commissioner's decision is that the Parole Board as entitled to rely on section 32(1)(a) for the exempted information.
3. No steps are required as a result of this notice.

Request and response

4. On 29 September 2022, the complainant wrote to the Parole Board and requested information in the following terms:

"I am requesting information in relation to a report sent to us by the London Parole Board about [name redacted] - a 63-year-old man recalled to prison for conspiracy to sell class A drugs.

I have asked the parole Board for information about the report which I would like some information about.

The parole Board has quoted the probation services as having recalled [name redacted] to Prison because they were awaiting information from the police. We would like to know exactly what date that information was received.

The report also states that [name redacted] committed serious acts of violence and kept criminal friends.

Considering the violent acts were stated in a court and a matter of public record, we would like to know what they were, and what evidence has been adduced to confirm that he kept criminal friends.”

5. The Parole Board responded on 21 October 2022. It stated:

“Our office has reviewed your request and unfortunately it is not clear from your request what information you are referring to. There is no London Parole Board, The Parole Board for England and Wales is an independent court like body that carries out risk assessments on prisoners referred to us by the Secretary of State for Justice to determine whether they can safely be released into the community. Offenders released on licence are monitored by the Probation Service. If an offender breaches their licence conditions they can be recalled back to prison by the Probation Service. We are not involved in the recall process unless and until the offender is referred to us for review.

Parole Board records are personal and not releasable under the Freedom of Information Act. You can, however, request summaries of some parole decisions.

You can find out more about this process and which cases it applies to here¹.”

6. The complainant requested an internal review on 24 October 2022. He clarified that by ‘London Parole Board’ he meant the Parole Board for England and Wales.
7. Following an internal review the Parole Board wrote to the complainant on 28 October 2022. It provided some details about the named individual in relation to dates but refused to provide any information regarding the requested violent acts and criminal friends, citing section 32(1)(a) of FOIA – a subsection of the court records exemption.

Reasons for decision

Section 32 – court records etc

¹ <https://www.gov.uk/government/publications/decision-summaries>

8. The Commissioner has considered whether the Parole Board was entitled to rely on section 32(1)(a) to refuse to provide the remaining requested information.
9. Section 32(1)(a) states that:

“(1) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

 - (a) any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter,”
10. Section 32(1) is a class based exemption. This means that any information falling within the category described is automatically exempt from disclosure, regardless of whether or not there is a likelihood of harm or prejudice if it is disclosed. Section 32 is an absolute exemption and therefore it is not subject to the public interest test.
11. The Parole Board has explained that the requested information, if held, would be part of a dossier provided to it by His Majesty’s Prison and Probation Service. Further, it said to the complainant that:

“Rule 27 of the Parole Board Rules 2019 states:

 - (5) Subject to paragraph (1), information about proceedings under these Rules must not be disclosed, except insofar as the Board chair directs.
 - (6) Other than those of the parties, the names of persons concerned in proceedings under these Rules must not be disclosed under paragraphs (1) to (5).
 - (7) A contravention of paragraphs (5) or (6), is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

We are therefore unable to release details of the dossier beyond that included in the summary which you already have.”
12. The Commissioner is satisfied that the withheld information falls within the scope of the exemption contained at section 32(1)(a) of FOIA.
13. Having considered the Parole Board’s arguments, and in the absence of any evidence that it held the information for any other purpose, the Commissioner is also satisfied that the requested information is only held by virtue of being contained in a document filed with or placed in the custody of a court for the purpose of proceedings. The withheld

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information is therefore exempt from disclosure on the basis of section 32(1)(a) of FOIA.

Right of appeal

14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

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

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Laura Tomkinson
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF