

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 1 March 2023

Public Authority: Crown Prosecution Service
Address: 102 Petty France
London
SW1H 9EA

Decision (including any steps ordered)

1. The complainant requested information from the Crown Prosecution Service ("the CPS") about the prosecutor involved in dealing with a specific case and re-sentence.
2. The Commissioner's decision is that the CPS breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 2 January 2023, the complainant made the following request for information:

"What was the name of the CPS prosecutor who dealt with the original case and all the hearings including the resentence?"
4. The CPS responded to the request for information on 13 February 2023.

Scope of the case

5. The complainant contacted the Commissioner on 14 January 2023 to complain about the CPS's failure to respond to their request within the statutory time frame of FOIA.
6. The Commissioner has considered whether the CPS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

7. Section 1(1) of FOIA states that:
 - "Any person making a request for information 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."
8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. From the evidence provided to the Commissioner in this case, it is clear that the CPS did not deal with the request for information in accordance with FOIA. The Commissioner finds that the CPS has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

10. 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

11. 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.
12. 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

Michael Lea
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