

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 June 2015

Public Authority: Crown Prosecution Service
Address: 9th Floor Rose Court
2 Southwark Bridge
Southwark
London
SE1 9HS

Decision (including any steps ordered)

1. The complainant has requested information relating to a decision made in response to a complaint from 1978.
2. The Crown Prosecution Service (CPS) failed to respond to this request for information and the Commissioner's decision is that in doing so the CPS breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires the CPS to take the following steps to ensure compliance with the legislation.
 - Respond to the request.
4. The CPS must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

Request and response

5. On 15 December 2015, the complainant wrote to the CPS and requested information in the following terms:

"The CPS had released to me, under the FOIA, various letters from Peter Lewis regarding the recent Wanless/Whittam review."

One letter sent on August 26 to DAC Rodhouse mentions about a complaint in 1978 being considered about a PIE publication called Paedophilia: Some questions and answers. Mr Lewis' letter says that "our records indicate that contact was made with the PIE Squad at New Scotland Yard in order to obtain a copy of the relevant publication and, having considered the document, no prosecution ensued".

Can you tell me who considered the document - was it the DPP at the time?

Are any reasons given as to why there was no prosecution? Did NSY want charges?

And is it right that because this happened in 1978 this wasn't made known to the Wanless/Whittam review as it predated the period covered by the review? Or was it made known to the Wanless/Whittam review?

6. The complainant initially intended his questions to be handled as enquiries by the press office at the CPS; however the CPS took the approach of dealing with the questions as an FOI request
7. At the time of writing the CPS had failed to respond substantively to the request.

Scope of the case

8. The complainant contacted the Commissioner on 19 March 2015 to complain about the failure of the CPS to respond to his request.

Reasons for decision

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
11. In this case the CPS has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

Right of appeal

12. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

13. 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.
14. 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

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