



Ministry of **JUSTICE**

Andrew Hinchcliffe

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Our Ref: 58140

25 March 2009

Dear Mr Hinchcliffe

SUBJECT: Freedom of Information Request

Thank you for your letter of 07/02/09, in which you asked for the following information from the Ministry of Justice (MoJ).

- 1. What records exist within NOMS of the number of prisoners beyond tariff and who are currently in the process of appealing against their conviction.**
- 2. If records exist at some level (For instance at individual prisons, elsewhere in the prison system or within the Probation Service) can you let me have these records collated and cross-referenced against the figures for prisoners over tariff?**

I am sorry to inform you that from my preliminary assessment of your request, it is clear that I will not be able to answer your request without further clarification.

The information you have requested is not held centrally. In order to provide you with the information on the scale that you have requested would require us to manually search records to identify all post tariff indeterminate sentenced offenders and then consulting individual offender records to ascertain whether an appeal has been lodged. This search would have to be conducted for each prison establishment in which indeterminate offenders are held.

Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the Department holds the information, locating, retrieving and extracting the information.

As your request is widely framed, I estimate that it will take us in excess of 3.5 working days to determine appropriate material within the scope of your request, and locate, retrieve and extract that information.

You may wish to narrow the scope of your request in order to try and bring it within the cost limit, by being more specific about which information you wish to receive, including any dates or periods of time which are relevant. For example, you may

wish to narrow the scope of your request by asking for the information from an individual prison.

As part of our obligations under the FOIA, the Ministry of Justice has an independent review process. If you are dissatisfied with this decision, you may write to request an internal review. The internal review will be carried out by someone who did not make the original decision, and they will re-assess how the Department handled the original request.

If you wish to request an internal review, please write or send an email to the Data Access and Compliance Unit within two months of the date of this letter, at the following address:

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If you remain dissatisfied after an internal review decision, you have the right to apply to the Information Commissioner's Office under Section 50 of the FOIA. You can contact the Information Commissioner's Office at the following address:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Internet: https://www.ico.gov.uk/Global/contact_us.aspx

Yours sincerely

Paul Hunt
Data Access & Compliance Unit