



**Information Commissioner's Office**  
Promoting public access to official information  
and protecting your personal information

## **Press Release**

### **For immediate release**

Date: 13 March 2008

### **ICO issues practice recommendation to NOMS**

The National Offender Management Service (NOMS) has repeatedly failed to respond to information requests in line with its obligations under the Freedom of Information Act, according to a review carried out by the Information Commissioner's Office (ICO).

The ICO has used its powers and issued NOMS with a formal practice recommendation stating that the agency should review the way it handles freedom of information (FOI) requests. The agency should give suitable priority and resource to dealing with FOI requests in order to improve its performance. The ICO also recommends that all relevant members of staff receive training.

A review into the handling of FOI requests by NOMS found that the agency had repeatedly extended the time limit for considering whether there was a public interest in releasing information, in some cases for 12 months consecutively, and had failed to give specific reasons for the delays. In the ICO's view such delays may appear to be designed to hold-up the process of providing full responses to FOI requests. The ICO is also aware of a number of unacceptable delays in dealing with internal reviews after a request has initially been refused. In one case an internal review was only completed nearly 29 months after being requested.

The ICO's review of NOMS found that the agency had not acted in accordance with the Act and had failed to conform to the associated Codes of Practice in various ways, including giving unhelpful advice which could be discouraging to requesters.

The ICO also considers that the agency regularly failed to explain sufficiently why exemptions applied when refusing to release information.

The ICO believes the recommendations made are necessary to ensure the adequacy, consistency and timeliness of responses to both requests for information and internal reviews.

Under the Freedom of Information Act the National Offender Management Service is an executive agency of the Ministry of Justice (MoJ). The relevant public authority for these purposes is therefore the MoJ.

To obtain a copy of the practice recommendation go to [www.ico.gov.uk](http://www.ico.gov.uk)

## **ENDS**

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580 or visit the website at: [www.ico.gov.uk](http://www.ico.gov.uk)

### **Notes to Editors**

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at [www.ico.gov.uk](http://www.ico.gov.uk)
3. In the practice recommendation the ICO notes that prior to 9 May 2007 NOMS was an executive agency of the Home Office and that at this time internal reviews, complex cases and ICO complaints were handled by the Home Office. In addition some of the cases would have also required input from the MoJ clearing house. The ICO recognises but does not condone that the involvement of such parties may introduce delays that are not always or entirely the responsibility of NOMS.
4. The Code of Practice fulfils the duty of the Secretary of State, set out in section 45 of the Freedom of Information Act 2000, to provide guidance to public authorities as to the practice which it would be desirable for them to follow in connection with the discharge of their functions under Part I of the Act.
5. If the practice of a public authority in relation to the exercise of its functions under the Act does not conform with that proposed in the Code of Practice the Information Commissioner has the power to give the authority a practice recommendation