



Ministry  
of Justice

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### Freedom of Information Act (FOIA) Outcome of Internal Review – 220613056

Thank you for your Internal Review request dated 13 June 2022 regarding FOI request 220512014 in which you asked for the following information from the Ministry of Justice (MoJ):

*I am informed on this web page (<https://www.gov.uk/government/organisations/department-for-constitutional-affairs>) that "Department for Constitutional Affairs is now part of Ministry of Justice" and, as I have questions requiring substantive evidence of a constitutional nature, I am issuing this FOI to yourselves.*

*The reason I underlined "substantive evidence" above, is because I require exactly that; NOT belief, NOT opinion, NOT someone writing a sentence, NOT conjecture; ONLY presentable, substantive evidence/documentation.*

*Under the Freedom of Information Act (2000) I require the following information (ie, evidence of a substantive nature):*

- 1. Please provide the lawfully-established, legally-binding obligation (contract/agreement/document, etc) that renders the people of the UK subject to and bound by Government Acts and Statutes, without which said Acts and Statutes are merely a presumption of law, a colour of law which does not exist in reality. No evidence of obligation = NO OBLIGATION. (Note the words: lawfully-established.)*
- 2. [blank]*
- 3. If I sign a contract then I, and I alone, am bound by that contract. If I sign a treaty then I, and I alone, am bound by that treaty. No-one else. I cannot sign anything and decree that anyone other than myself is bound to that signature. Therefore, please provide the lawfully-established, legally-binding obligation (contract/agreement/document, etc) that renders the people of the UK subject to and bound by any treaty signed by a representative (employee/agent) of the UK Government (eg, the upcoming, so called "Pandemic Treaty"), with presentable, documented evidence which confirms that a signature by a third party (employee/agent of UK Govt) binds or contracts anyone other than the man or woman who signs it. No evidence of obligation = NO OBLIGATION. (Note the words: lawfully-established.)*

*As stated, I require presentable, substantive, documented evidence only; NOT belief, NOT opinion, NOT someone writing a sentence, NOT conjecture.*

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review: I was not involved in the original decision.

The response to your original request confirmed the information requested was not held within the scope of your request. After careful consideration I have concluded that this response was **not compliant** with the requirements of the FOIA.

### **Statutory deadline**

The statutory deadline for your request was 13 June 2022 and the response was provided on 9 June 2022. The response was therefore compliant with the timeliness requirements of the FOIA.

### **Outcome**

The premise of the internal review is on the grounds that the initial response was not answered in the terms demanded. The Freedom of Information Act (FOIA) obliges an organisation to provide evidence which is held. If not held, Section 16 of FOI states that assistance should be given and the duty to provide advice and assistance extends 'so far as it would be reasonable to expect' to do so.

As stated above, I have concluded that the initial response was 'not compliant' as I believe that the recorded information is held. However, due to the UK's constitution being written in thousands of Acts of Parliament, court cases, and in document conventions then Section 12(1) of the FOIA needs to be applied.

Section 12 means we do not have to respond to a request where we estimate it would cost more than £600. The £600 limit applies to all central government departments and is based on work being carried out at a rate of £25 per hour per person, which equates to 3½ days work per request. £25 per hour per person applies to all staff, regardless of grade, specialism or if they are contracted or agency staff.

Costs can only include locating, retrieving and extracting information. They do not include redactions, considering whether any information is exempt from disclosure, or overheads such as heating or lighting, or photocopying or postage.

I have undertaken a cost estimation on how much it will cost to locate, retrieve and extract the information requested. I have applied a low end estimation (estimated numbers will be much higher) of 1000 manual files with an estimate time of 5 minutes per a file/record. This provides a low estimated total of 83.33 hours, coming to a cost of £2,083.33 basing it on the above hourly rate. These costs are estimated at more than £600 and therefore to provide these records, would be deemed unreasonable in terms of cost, under Section 12 of FOI.

In conclusion, the initial response you received to your initial FOI request on the 9 June was not complaint as it stated that we do not hold the records. However, upon further investigation, I am satisfied that the MoJ is not obliged to comply with your request, based on excessive costs.

I would like to direct your attention to the following links which may be helpful and to allow you to refine your request, I would also suggest you seek legal advice to assist you further;

Parliament's authority - UK Parliament

The UK Constitution – <https://www.parliament.uk/globalassets/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>

Understanding Legislation – [Legislation.gov.uk](http://legislation.gov.uk)

Why are new laws needed? - UK Parliament

Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

### **Appeal Rights**

If you are not satisfied with this response you have the right to apply to the Information Commissioner's Office (ICO). The Commissioner is an independent regulator who has the power to direct us to respond to your request differently, if she considers that we have handled it incorrectly.

You can contact the ICO at the following address:

Information Commissioner's Office

<https://ico.org.uk/Global/contact-us>

Yours sincerely

Jane Wignall  
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HMCTS