

Data Protection Concern: RFA0693988/RFA0694062[Ref. RFA0693988]

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12 December 2017

Case Reference Number RFA0693988/RFA0694062

Dear Mr Clarke

Further to my correspondence of 27 October and 13 November we have now written to the Ministry of Justice ('MoJ') and received a response from them.

Your subject access request was for information held by Judge Jackson and Judge Pelling. Although Judge's are data controllers in their own right the information they hold is accessed through the MoJ. We therefore wrote to the MoJ for further information on this case.

Based on all the information we have received from you and the MoJ it does appear that a breach of the Data Protection Act (DPA) has occurred as no response to your subject access request of 12 July to Judge Peter Jackson and Judge Phillip Pelling was supplied. The MoJ have confirmed that a response will now be prepared by the Knowledge Information Liaison Officer.

The MoJ have however explained that the requested Judge's notes do not fall within the scope of the DPA as they are handwritten notes held within the Judge's personal notebook and are not kept within a court file. The MoJ have informed us the notebook is not structured in such a way that specific information in relation to you is readily accessible and therefore the data does not form part of a relevant filing system under the terms of the DPA.

Information held outside of a relevant filing system is not subject to the same rights of access under the DPA. From the information received we are satisfied that the handwritten notes held in this case are unlikely to meet the established test of a relevant filing system and therefore a Judge would not be compelled to disclose this information.

I understand this assessment will be a disappointment to you. It may be useful to explain that the role of the ICO is not to work on behalf of individuals or organisations nor do we resolve every aspect of an individual's concern. Rather we identify data protection issues that we would like to pursue as a regulator in order to improve the information rights practices of the organisations concerned.

We will ask the MoJ to ensure processes are in place to respond to requests for personal data held by Judge's within the statutory timeframe in future. Although we are not taking any further action at this time we will keep the concerns raised on file for monitoring purposes.

Thank you for bringing this matter to our attention.

If you are dissatisfied with the service you have received and would like this matter to be reviewed by another Officer please complete the form found on our website on the following link: <https://ico.org.uk/concerns/complaints-and-compliments-about-us/complain-about-us/>.

Yours sincerely **Caroline Flint**

Lead Case Officer 01625 545 258