

02 November 2021

Mrs Judi Hallett

Dear Mrs Hallett

Freedom of Information Act 2000 (FOIA) Our reference: IC-73074-K3K0

Your FOIA request to the Ministry of Justice (MOJ) dated 5 August 2020 re HMP Hollesley Bay.

I write further to my letter to you of 30 June 2021 to tell you the outcome of the Information Commissioner's investigation into your complaint that MOJ were wrongly withholding information from you.

You will recall that on 5 August 2020 you wrote to MOJ saying:

We have taken on board what ICO said in their decision [ref FS50872002] on this case and we accept that our request was very broad. It is apparent from the redacted document you have released to us, that the information it contains could or should have been disclosed to us almost two years ago. If it had have been disclosed to us, we would have known that the actual paper we would like to see is identified as the 'Operational Assessment' – see paragraph 4 of page 3 of your document.

Therefore, we would like to request a copy of the said 'Operational Assessment' that was used to recommend introducing men convicted of sexual offences to HMP Hollesley Bay. [your emphasis]

In her investigation of your complaint to her the Commissioner reviewed your correspondence with MOJ and had regard for representations she received from you as well as from MOJ.

She also reviewed the unredacted operational assessment document (OA) and discussed with MOJ their application of FOIA exemptions, notably that in section 31 FOIA (Law enforcement).

Following the Commissioner's investigation, I understand that MOJ have now written to you again on 29 October 2021 and provided you with a revised copy of their OA with some but not all of the redactions reinstated.

I am writing to tell you that the Commissioner is content that the OA, in the form in which MOJ have now sent it to you, complies with MOJ's duty of disclosure under FOIA. She accepts that some redactions to the full OA are still necessary, essentially for the reasons that MOJ have explained to you.

As I mentioned on 30 June, where possible the Information Commissioner prefers complaints to be resolved informally and we ask both parties to be open to compromise. You may like to know that it is very likely that any formal decision by the Commissioner would be along the lines set out above. MOJ are willing to accept informal resolution of the matter on this basis and we are therefore inviting you to do the same.

I am sorry it has taken longer than we would have liked to get to this point. In part this has been due to annual leave commitments mainly, but not entirely, of relevant people within MOJ.

Yours sincerely

Roy Wernham

Dr Roy Wernham
Senior Case Officer
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,
Cheshire SK9 5AF
F. 01625 524510 ico.org.uk M 07808 137 030 twitter.com/iconews

(Please note I am normally away from the office on Thursdays and Fridays)

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