

FREEDOM OF INFORMATION REQUEST
REGARDING ALTERNATIVE SITES

11 MARCH 2022 - REPLY FROM MOJ TO FOI REQUEST DATED 13 FEBRUARY 2022



Paul Parker

Wymottactiongroup@outlook.com

Disclosure Team Ministry of Justice 102 Petty France London

SW1H 9AJ data.access@justice.gov.uk 11 March 2022

Dear Mr Parker

Environmental Information Regulation Act (EIR) Request – 220213001

Thank you for your request dated 13 February 2022 in which you asked for the following information from the Ministry of Justice (MoJ):

Please send me: Information request - 1 A detailed list of all sites considered in the NorthWest for the location of the proposed new prison above. Information request 2 A detailed list of the primary, secondary, and tertiary criteria used to evaluate how a site would meet requirements. Information request – 3 A list of how each site in request 1 above, matched each of the criteria specified in request 2 above. I would like the above information to be provided to me as electronic or paper copies. If this request is too wide or unclear, I would be grateful if you could contact me as I understand that under the Act, you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary. If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

Your request has been handled under the Environmental Information Regulations 2004 (EIR). The EIR legislation has been used to respond to this request because the information readily available contains environmental considerations when considering sites.

I can confirm that the MOJ holds all the information you have requested. Some of this information is already in the public domain. Details of the requirements for the site and how those sites which were considered performed against the criteria can be found at para 46 of the following link:

<https://democracy.chorley.gov.uk/documents/s136325/Item%203a%20Wymot.pdf>

The names of the sites that were considered have not been disclosed in the proposal and are exempt from disclosure under regulation 12(5)(e) of the EIR for the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect— (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Regulation 12(5)(e) is a qualified exception which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- Disclosing the information would provide more transparency on the decision making to the public.
- It is acknowledged that this matter is of some public interest, and disclosure of such information would be generally informative and reassuring; the latter in the sense that government are taking relevant factors into consideration and ensuring value for money
- Disclosure may reassure parties that other sites have been robustly assessed as an alternative for the potential build at the site next to HMPs Garth and Wymott.

Public interest considerations favouring withholding the information

- The names of the sites considered are commercially sensitive and releasing them would prejudice current and future commercial activity.
- The names of privately owned sites are submitted to the MoJ on a confidential basis so as not to prejudice any future commercial activity.
- Releasing the names of the public sites could adversely affect the ability for the owner to achieve value for money in any future commercial or development activity. On balance, I consider the public interest favours withholding the information at this time.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely

to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Charlie Fearn

Prison Supply Directorate

25 MARCH 2022 - OUTCOME OF INTERNAL REVIEW



Paul Parker

Wymottactiongroup@outlook.com

Disclosure Team Ministry of Justice 102 Petty France London

SW1H 9AJ data.access@justice.gov.uk 11 March 2022

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their investigation.

Yours sincerely

Charlie Fearn

Prison Supply Directorate

20 April 2022

Case Reference: **IC-165209-T1V1**

Dear Paul Parker

Freedom of Information Act 2000 (FOIA)
Your information request to Ministry of Justice dated 13 February 2022

Thank you for your complaint and supporting information about the above public authority's handling of your request for information.

Your complaint is important to us and is now eligible for investigation. We will allocate it to a case officer as soon as we can.

Most cases will be allocated in around nine months from the date of receipt. We are working hard to reduce this waiting time and appreciate your patience in the meantime.

We triage our cases to identify those we can resolve more quickly, for example if there is a precedent or if the issue is straightforward, so you may hear from us sooner. When a case isn't suitable to be resolved early, we deal with them in the order we receive them to be fair to everyone.

When your case is allocated to a case officer, they will contact you directly to explain how they will investigate your complaint.

If you wish to send any further documents in the meantime, please quote the reference number at the top of this correspondence.

Incoming emails are monitored, but detailed enquiries relating to the case can only be addressed once your case is allocated for investigation.

For more general enquiries, please call our helpline on **0303 123 1113** or visit our [live chat](#)

Yours sincerely,

Sent on behalf of
Laura Tomkinson
Group Manager
Information Commissioner's Office