



Disclosure Team
Ministry of Justice
102 Petty France
London
SW1H 9AJ

data.access@justice.gov.uk

1 September 2020

Dear [REDACTED]

Freedom of Information Act (FOIA) Request – 200803024

Thank you for your request dated 3 August 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

I'm looking for the number of civil legal aid certificates which have been granted on wider public interest grounds.

Your request has been handled under the FOIA.

The Legal Aid Agency assesses all applications for legal aid, and where the relevant criteria are met, a legal aid certificate is issued. Conversely, where criteria are found not to be met, the reason(s) for a refusal is selected and recorded and communicated to the applicant.

We do not specifically capture all of the criteria which *are* met when an application is granted, as this is something which is considered by the decision maker during the assessment process.

The above notwithstanding, it is possible that the decision maker's file notes would record when a case has significant wider public interest, and how this has factored into their assessment. However, that information would exist (to the extent that it is held) in free text format against each relevant legally aided matter, rather than being in a retrievable electronic format.

To find out if such information were held, and if so in how many cases, we would need to look at each case individually. On that basis, I am unable to confirm if the MoJ holds the information you have requested within the cost limit. Section 12(2) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. [The appropriate limit for central government is set at £600.](#) This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information.

Given the number of applications the LAA deals with each year, such an exercise would not be practicable within the relevant cost limit, and so consequently we are not obliged to comply with your request.

You may wish to consider, for example, amending your request in light of the advice above so that we may answer it within the costs exemption applying. Please be aware however that given the nature of your query, we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: [http://ico.org.uk/for the public/official information](http://ico.org.uk/for_the_public/official_information)

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

**Information Governance
Legal Aid Agency**