



Ministry
of Justice

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Ministry of Justice
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30 October 2020

Dear Niki Konstantinidis,

Freedom of Information Act (FOIA) Request – 201006017 - FOI

Thank you for your request received by MoJ on 06 October 2020 in which you asked for the following information from the Ministry of Justice (MoJ):

“...Considering that open justice was consistently impeded by alleged technical problems, I seek the following information, for the period commencing in February 2020 until 5 October 2020 (except where otherwise indicated):

1/ The total number of hearings in progress in the Central Criminal Court, from 7 September to 5 October and the identification details of the courtrooms.

2/ The total number of journalists accredited by District Judge Baraitser (or, if by another officeholder, please provide name and office) to follow the hearing (virtually or physically), as well as their names, names of their media organisations and all selection criteria.

3/ The names of all journalists (and their media organisations) allowed physically into the main courtroom and the selection criteria enabling their entry and attendance.

4/ The total number of journalists refused accreditation by District Judge Baraitser (or, if by another officeholder, please provide name and office) to follow the hearing (virtually or physically), as well as their names, names of their media organisations and all criteria for rejection.

5/ The total number of observers, trial monitors and other interested parties that applied to be present during the hearing (virtually or physically), as well as their names, names of their organisations and selection/deselection criteria applied by District Judge Baraitser (or, if by another officeholder, please provide name and office).

6/ The names and positions of persons who had three seats reserved (in the main courtroom) by the District Judge Baraitser (or, if by another officeholder, please provide name and office) for all or part of the hearing.

7/ Social distancing and other Covid19 rules applying to all courtrooms and premises of the Court.

8/ Social distancing and other Covid19 rules applying to premises accommodating Mr Assange's extradition hearing.

9/ Documentation (including technical reports) regarding issues related to live feed broadcast linking (connection, streaming etc.).

10/ CVP or other live feed broadcast recordings (or back-ups) of Mr Assange's extradition hearing (cloud-based, virtual or remote).

11/ Document Retention Policy regarding CVP or other live feed broadcast recordings (cloud-based, virtual or remote).

12/ Document Retention Policy applied to Mr Assange's extradition hearing (if different from above).

13/ The name(s) of security firms used by or at the Court in respect of Mr Assange's extradition hearing (and, if possible, the terms of their hire).

14/ The number of courtrooms that have a glass cage to contain a defendant.

15/ The frequency of use of such glass cage in extradition hearings and the underlying criteria for such use.

16/ The name(s) and offices of the persons ordering the use of said glass cage in the case of Mr Assange and all related documentation.

17/ A list of the names of defendants (or the names of the cases) held in a glass cage during extradition hearings and dates of said hearings.

18/ During Mr Assange's extradition hearing, what facilities were made available to attendees with disabilities or vulnerabilities? What facilities are usually available in the Court for disabled or vulnerable people?..."

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested, and I have provided it below.

Q1) There were 316 separate hearings (if you consider each day of a part heard trial to be one hearing). These took place using Courts 1, 2, 4-8, and 11-18. Assange took over courts 9 & 10. Court 3 was not available due to refurbishment work.

Q2) 93 journalists were accredited and given access to attend the hearing virtually. Under Section 40(2) of the FOIA we are not obliged to provide the names of these journalists. Please see below.

Q3) There was one accredited journalist allowed into the main courtroom. Under Section 40(2) of the FOIA we are not obliged to disclose the name of the journalist.

Q4) Journalists have not been refused accreditation, a Court Video Platform (CVP) link to view the hearing was provided if they were unable to obtain a seat the court.

Q5) 20 non-government organisations and other interested parties applied for access to attend the hearing virtually. Names and other personal information are exempt from disclosure under Section 40(2) of the FOIA.

Q6) We are exempt from answering this question under Section 40(2) of the FOIA – we are not obliged to disclose names and personal information.

Q7 & 8) The building is owned by the City of London Corporation. There is social distancing of 2 meters is in place, or at 1 meter plus mitigation apparatus.

Q9) No documents are kept.

Q10) The hearing was not recorded via CVP. There was a transcription company on site for proceedings.

Q11) 7 years.

Q12) 7 years.

Q13) Security is provided by the City of London Corporation who own the building.

Q14 & 15) None of the courts within the Central Criminal Court have a glass cage, defendants are required to go sit in the dock unless otherwise instructed by the judiciary.

Q16) There is no such person who would make this order, all defendants who come into court are required to surrender to the dock.

Q17) As the courts do not have glass cages, there have been no cases held within glass cages.

Q18) This would depend on what has been requested, the court can assist in providing access for visitors with mobility issues and also provide hearing enhancements, the court can make the arrangements necessary when notified in advance.

Section 40(2) and section 40(3A)(a) of the FOIA taken together mean that personal data can only be released if to do so would not contravene any of the principles set out in Article 5(1) of the General Data Protection Regulation (GDPR) and section 34(1) of the Data Protection Act 2018.

Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA. Also, although s40 is an absolute exemption, we have considered whether there is a wider public interest in disclosing this personal information, that would override the fundamental rights of those concerned. We have concluded there is no such public interest in this instance.

We believe releasing the requested information into the public domain would be unlawful; the personal information is therefore exempt from disclosure under section 40(2).

This is an absolute exemption and does not require a public interest test under the FOIA

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

Knowledge and Information Liaison Officer

London Regional Support Unit | HM Courts & Tribunals Service