

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated 24th November 2005**

**Name of Public Authority: Department of Work and Pensions**

**Address of Public Authority: Office of the Chief Executive  
CSA HQ  
Quay House  
The Waterfront  
Brierley Hill  
West Midlands  
DY5 1XZ**

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 9<sup>th</sup> and 19<sup>th</sup> January and the 9<sup>th</sup> February 2005 the following information was requested from the Child Support Agency (part of the Department for Work and Pensions) (CSA) under section 1 of the Freedom of Information Act 2000 (the "Act"):

1. *"Would you advise as to the nature of the decision that has now deemed to be incorrect and outline all associated mitigating/ pending intentions as a result?"*
2. *"Would you kindly advise as to the meaning of your enclosed and hand-written note "this letter will reflect any changes that have occurred from 13/3/03?"*
3. *"Could I formally request a copy of the Agencies Publication Scheme with effect 30th November 2002?"*
4. *"Could I formally / directly request under the terms of the FOI Act you provide information regarding any outstanding CCJ's and provide information regarding agency ethics as to missing letters and the current state of affairs relating to this case?"*

It is alleged that:

- (1) The CSA failed to provide the information requested by the complainant.
- (2) The CSA failed to provide the complainant with the requested information within the 20 working days following the date of receipt of his request.

## The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

1. On the 9<sup>th</sup> January 2005 the complainant made a request to CSA seeking advice as to the nature of the decision that it has now deemed to be incorrect and outline all mitigating / pending intentions as a result. The Commissioner considers this is a request for the complainant's own personal data and therefore exempt under section 40(1) of the Act. Such requests automatically become subject access requests under the Data Protection Act 1998.
2. On the 9<sup>th</sup> January 2005 a request was made to the CSA asking it to explain the meaning of its hand written note "this letter will reflect any changes that have occurred from the 13/3/03". The Commissioner does not accept this is a valid request under the Act. The question is asking for an opinion or meaning of a sentence contained within the complainant's file rather than seeking information which is held by the public authority. The complainant has however been provided with an explanation by the CSA as to what is meant by this sentence.
3. On the 19<sup>th</sup> January 2005 a request was made to the CSA for a copy of the agency's publication scheme with effect from the 30<sup>th</sup> November 2002. The Commissioner has decided this information is accessible by other means and is therefore exempt under section 21 of the Act. The complainant has been advised that this information is available on the Department of Work and Pensions website and a copy of the publication scheme has also now been sent to him.
4. On the 9<sup>th</sup> February 2005 a request was made to the CSA seeking information regarding any outstanding County Court Judgements (CCJs), secondly for the CSA to provide information regarding agency ethics as to missing letters and finally the current state of affairs relating to the case. The Commissioner's decision in respect of the first and final part of this request (the issues regarding CCJs and the current state of affairs) is that he considers this to be a request for the complainant's own personal data and therefore exempt under section 40 (1) of the Act. As stated above, such requests automatically become subject access requests under the Data Protection Act 1998. In relation to the second

part of this question relating to agency ethics on missing letters, the Commissioner has decided that the CSA failed to inform the complainant within the 20 working day period whether or not it held the information requested. The CSA therefore contravened the requirements of section 10 (1) of the Act. The Commissioner recognises however that the complainant has now been provided with information on the CSA's ethics relating to missing letters.

### **Action Required**

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the CSA.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 24th day of November 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF