

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated: 20th June 2005

Name of Public Authority: The Pensions Ombudsman

Address of Public Authority: 11 Belgrave Road
London
SW1V 1RB

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 15th February 2005 the following information was requested from the Pensions Ombudsman under section 1 of the Freedom of Information Act 2000 (the "Act"):

"representations and/or other correspondence provided by Mr H to the office of the Pensions Ombudsman on the 9th November 2004."

It is alleged that the Pensions Ombudsman failed to respond to the request "within the statutory timescale."

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

The Pensions Ombudsman has failed to respond to the complainant in writing and within 20 working days following the receipt of the request for information. In doing so, the Pension Ombudsman has contravened the requirements of Part 1 of the Act, section 10(1), which states,

"Subject to subsection (2) and (3), a public authority must comply with section (1) promptly and in any event not later than the twentieth working day following the date of receipt."

The Commissioner's decision in this case is that The Pensions Ombudsman has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to either comply with

section 1(1) or section 17 within the time limit set out in section 10(1).

Action Required

The Commissioner recognises that The Pensions Ombudsman has now responded in writing to the request initially raised by the complainant. In that response, the Pensions Ombudsman provided the information requested to the satisfaction of the complainant.

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 Pensions Ombudsman.

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 277
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
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 20th day of June 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF