

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 22nd November 2005

Name of Public Authority: **The Insolvency Service**

Address of Public Authority: **1st Floor
Coburg House
Mayflower St
Plymouth
PL1 1LJ**

Nature of Complaint

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

 "...the names of the person or company who instigated [*name redacted*]
 Bankruptcy and the name of the Creditors..."

It is alleged that:

The Insolvency Service stated falsely that they do not hold the information requested.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 Insolvency Service has stated that, at the time the request was made, they did not hold the information requested. The Insolvency Service has provided documentation relating to their information retention policy to the Commissioner. This documentation states that the retention period for information of the type that was requested in this instance is 7 years. Given that the bankruptcy proceeding about which information was requested took place in 1991, and the complainant has provided no information that would support the allegation that the information was held by the Insolvency Service at the time that the request was made, the

Commissioner is satisfied with the representations of the Insolvency Service that the information requested was not held at that time. In light of this, the decision of the Commissioner is that the Insolvency Service has complied with Part I of the Act in this instance in that they have dealt with the complainant's information request in accordance with the requirements of section 1(1)(a).

Section 1(1)(a) states that:

"Any person making a request for information to a public authority is entitled-

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request"

Action Required

In view of these matters the Commissioner hereby gives notice that he does not require any remedial steps to be taken by the Insolvency Service.

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: 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 22nd day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF