

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 12 April 2012

**Public Authority:** HM Treasury  
**Address:** 1 Horse Guards Road  
London  
SW1A 2HQ

### Decision (including any steps ordered)

---

1. The complainant has requested information concerning the public sector pension scheme.
2. The Information Commissioner's decision is that HM Treasury did not provide a response within 20 working days and so breached section 10(1) of the FOIA.
3. The Commissioner requires no remedial steps to be taken in this case.

### Request and response

---

4. On 10 November 2011, the complainant wrote to HM Treasury and requested information in the following terms:

*"The above document ['HMT Basis for Setting Equivalent Transfer Values of Public Sector Pension Schemes'] refers to transferring sums out of public sector pension schemes into a private sector scheme."*

*"As public sector schemes have stopped processing transfers in from the private sector because of this guidance then I assume the new discount rates also impacts on transfers INTO public sector schemes FROM the private sector." [The complainant's emphasis].*

*"Can you confirm whether the new discount rate does have an impact on transfers **into** the public sector pension schemes and if so will the impact be beneficial to the individual i.e. buy them more years in say the NHS scheme or be a disadvantage i.e. buy them less years." [The complainant's emphasis].*

5. HM Treasury responded on 16 February 2012.

### **Scope of the case**

---

6. The complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular he complained about not receiving a response to his request for information.
7. After the complainant had submitted his complaint to the Commissioner HM Treasury responded to the complainant.
8. The Commissioner's investigation is therefore limited to considering whether HM Treasury complied with the statutory time limits in providing this response.

### **Reasons for decision**

---

9. Section 10(1) of the FOIA provides that a public authority should comply with section 1(1) within 20 working days. Section 1(1) requires a public authority in receipt of a request to confirm whether it holds the requested information and, if so, to provide it.
10. The request was submitted on 10 November 2012.
11. The complainant did not receive a response to the request until 16 February 2012 when it confirmed to the complainant that it did not hold recorded information that would answer his questions. However as it took HM Treasury over 20 working days to answer the request this is a breach of section 10(1) because it failed to comply with section 1(1) within the statutory time period.
12. As a response has now been provided to the complainant the Commissioner does not require any steps to be taken in this case.

## Right of appeal

---

13. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

14. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
15. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed** .....

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**