

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 April 2015

**Public Authority:** Her Majesty's Revenue and Customs (HMRC)  
**Address:** 100 Parliament Street  
London  
SW1A 2BQ

#### Decision (including any steps ordered)

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1. The complainant has requested information relating to incoming telephone calls handled by HMRC, statistics, policies and procedures.
2. HMRC failed to respond to this request for information and the Commissioner's decision is that in doing so HMRC breached sections 1(1) and 10(1) of the FOIA.
3. The Commissioner requires HMRC to take the following steps to ensure compliance with the legislation.
  - Respond to the request.
4. HMRC must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.

#### Request and response

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5. On 30 September 2014, the complainant wrote to HMRC and requested information in the following terms:

*"Please let me have a copy of your switch board policy for dealing with incoming calls and any performance measures you use. Also, please send me a copy of your incoming telephone call statistics for September 2014 as soon as they are available, for example on average and*

*standard deviation waiting times by hour of the day and the number of connected calls and the number of calls hung up for each hour, so I can decide whether to take this complaint further by asking my MP for help to rectify this poor service.*

*Please let me have a description of the procedure explaining how information sent to you by this type of email form is dealt with and how tax records are updated using this information."*

6. At the time of writing HMRC had failed to respond substantively to the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 26 January 2015 to complain about the failure of HMRC to respond to his request.

### **Reasons for decision**

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8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case HMRC has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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11. 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: 0870 739 5836

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

Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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 .....**

**Rachael Cragg**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**