

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 21 October 2020

**Public Authority:** Parliamentary and Health Service Ombudsman  
**Address:** Millbank Tower  
30 Millbank  
London  
SW1P 4QP

#### Decision (including any steps ordered)

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1. The complainant requested information from the Parliamentary and Health Service Ombudsman (PHSO) which it has not previously released about details of complaints that the PHSO had received about other government departments and public bodies in 2018/19.
2. The Commissioner's decision is that the PHSO failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the PHSO to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response, under the FOIA, to the request.
4. The PHSO 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 12 June 2020, the complainant wrote to the PHSO and requested information in the following terms:

*"Dear Parliamentary and Health Service Ombudsman,*

*You have disclosed that you intended to publish some of the information contained in the spreadsheet to which the following extract relates:*

*'The information was in a spreadsheet published alongside the Ombudsman's Annual Casework Report 2019. The spreadsheet showed the number of complaints received about each organisation. The information was not visible to readers unless they clicked to reveal hidden tables.'*

<https://www.whatdotheyknow.com/request/m...>

*I understand that the spreadsheet was labelled: 'Complaints about UK government departments and other public organisations' and relates to the year 2018/19:*

<https://www.whatdotheyknow.com/request/c...>

*Please provide a copy of all information from the spreadsheet not contained in the hidden tables that you meant to disclose."*

6. The PHSO acknowledged the request on 12 June 2020 but had failed to provide a substantive response by the date of this notice.

## Scope of the case

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7. The complainant contacted the Commissioner on 17 September 2020 to complain about the failure, by the PHSO, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the PHSO on 23 September 2020 to highlight the outstanding response. She requested that the PHSO respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 17 October 2020 to request a decision notice considering the PHSO's compliance with the FOIA.

10. The scope of this notice and the following analysis is to consider whether PHSO has complied with section 10 of the FOIA.

### Reasons for decision

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11. Section 1(1) of the FOIA 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, and*
- (b) if that is the case, to have that information communicated to him.*

12. Section 8(1) of the FOIA states:

*In this Act any reference to a "request for information" is a reference to such a request which –*

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the PHSO has breached section 10 of the FOIA.

## Right of appeal

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16. 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@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. 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.
18. 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** .....

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**