

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 July 2021

Public Authority: The Pensions Ombudsman
Address: 10 South Colonnade
Canary Wharf
London
E14 4PU

Decision (including any steps ordered)

1. The complainant requested information from The Pensions Ombudsman (the Ombudsman) about a determination from 1999 on 18 May 2020. The Ombudsman did not issue a substantive response to this request until 8 June 2021.
2. The Commissioner's decision is that the Ombudsman has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner does not require the Ombudsman to take any further steps at this time, as the information request has been provided to complainant.

Request and response

4. On 18 May 2020, the complainant wrote to The Pensions Ombudsman and requested information in the following terms:

I have tried to locate above PO Determination for information which appears archived; is it possible for a copy to be obtained, since IWCSST Trustees refuse to provide Actuary information even after I cited such above Determination to themselves recently?
5. The Ombudsman acknowledged the request but stated that due to the age of the information, they were unable to locate it on their system. As

they were working from home, due to COVID-19 restrictions, staff were unable to confirm if a hard copy was held. They later advised it may have been archived in 2001. No further advice or guidance was offered at that time.

Scope of the case

6. The complainant contacted the Commissioner on 23 May 2021 to complain about the Ombudsman's failure to respond to their request.
7. The Commissioner has considered whether the Ombudsman has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

8. 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."

9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.
10. On 24 June 2021 the Commissioner wrote to the Ombudsman, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
11. From the evidence provided to the Commissioner in this case, it is clear that the Ombudsman did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Ombudsman has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

12. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

13. 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.
14. 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

Phillip Angell
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF