

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 20 January 2022

**Public Authority:** Parliamentary Health Service Ombudsman (PHSO)

**Address:** Millbank Tower  
30 Millbank  
London  
SW1P 4QP

### **Decision (including any steps ordered)**

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1. The complainant made a request for information on 6 June 2021 for copies of all the internal policies and procedures by which a case review he had submitted to PHSO was conducted.
2. The Commissioner considers that PHSO has breached section 10(1) FOIA as it has failed to respond within the statutory time for compliance.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Provide a response to the request in compliance with FOIA.
4. The public authority 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 Act and may be dealt with as a contempt of court.

### **Request and response**

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5. On 6 June 2021 the complainant requested information of the following description:

"I also request, under the Freedom of Information act, copies of all the internal policies and procedures by which my case review was conducted."

6. PHSO failed to respond to the complainant's request despite a chase up email sent by him on 17 July 2021.
7. Due to the lack of response, the complainant submitted a complaint to the Information Commissioner's Office on 19 November 2021.
8. The Commissioner wrote to PHSO on 27 November 2021 and 7 January 2022 reminding it of its obligations under FOIA to respond to this request.
9. PHSO failed to provide a response to the complainant or reply to the Commissioner.

### **Scope of the case**

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10. The complainant contacted the Commissioner as PHSO failed to respond to his request.
11. The Commissioner has considered whether PHSO complied with its obligations under section 10(1) FOIA in its handling of this request.

### **Reasons for decision**

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12. Section 10(1) provides that:

*"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."*

13. Section 1(1) provides 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."*

14. The original request was made on 6 June 2021 and a response is yet to be provided by PHSO. The Commissioner therefore finds that PHSO breached section 10(1) in failing to provide a response within 20 working days.

### **Right of appeal**

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15. 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)

16. 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.
17. 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.....**

**Gemma Garvey**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**