

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2023

Public Authority: Financial Ombudsman Service
Address: Exchange Tower
London
E14 9SR

Decision (including any steps ordered)

1. The complainant requested minutes of particular Committee meetings. The Commissioner's decision is that the Financial Ombudsman Service breached sections 10(1) and 17(1) of FOIA as it did not communicate all the non-exempt information or issue a refusal notice within 20-working days of the request. It is not necessary for the Financial Ombudsman Service to take any remedial steps.

Request and response

2. The complainant made the following information request to the Financial Ombudsman Service (FOS) on 4 June 2022:

"Please provide me with a copy of the following information:

 - 1) The minutes of any meetings of the Audit Committee that were held during the 2021/22 financial year.
 - 2) The minutes of any meetings of the Remuneration Committee that were held during the 2021/22 financial year."
3. FOS provided its initial response on 26 August 2022. At that point FOS refused the request under section 22 of FOIA, advising that it intended to publish the information in the future, in its annual report.

4. The complainant disputed the information they have requested would be included in FOS' annual report. They argued that the annual report might contain a high-level summary of the meetings in question, but it would not include all the minutes of those meetings.
5. The complainant did not receive an internal review response and the matter was passed to the Commissioner.
6. As a result of the complaint to the Commissioner, FOS provided the complainant with its internal review on 17 February 2023. FOS disclosed the requested minutes with a small amount of information redacted under sections 40, 31 and 36 of FOIA which concern personal data, investigations, and the conduct of public affairs respectively.

Reasons for decision

7. The Commissioner, having liaised with the complainant, this reasoning covers whether FOS complied with section 10 and section 17 of FOIA.
8. Section 1(1) of FOIA obliges a public authority to confirm whether it holds information that has been requested and to communicate the information if it is held and is not exempt information.
9. Under section 10(1) the authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of a request.
10. In respect of any exempt information, section 17(1) of FOIA obliges the public authority to issue the applicant with a refusal notice within the same 20 working day timescale.
11. In this case, the complainant submitted their request on 4 June 2022. FOS did not issue a refusal notice until 26 August 2022, which was a breach of section 17(1) of FOIA.
12. FOS subsequently applied different exemptions and communicated the majority of the requested information on 17 February 2023. FOS therefore communicated the non-exempt information significantly outside the 20-working day requirement and breached section 10(1) of FOIA.

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: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF