

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

### **Decision notice**

**Date:** 21 December 2023

**Public Authority:** Financial Ombudsman Service Limited

**Address:** Exchange Tower  
London  
E14 9SR

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

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1. The complainant made two information requests to the Financial Ombudsman Service Limited (the public authority). By the date of this notice the public authority had not issued a substantive response to these requests.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide valid responses to the requests within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to each request in accordance with its obligations under FOIA.<sup>1</sup>

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

4. The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. The complainant wrote to the public authority and made the following information requests in two parts:

- 3 October 2023

"1. Any written policy, or any information (or both), that is concerned with the FOS requesting Closed Circuit Television (CCTV) footage from organisation that is investigating (on behalf of a consumer)

2. Any written policy, or any other information (or both), that is concerned with the FOS requesting any audio material from an organisation that it is investigating (on behalf of a consumer).

3. Any written policy, or any other information (or both), that is concerned with the FOS being, by virtue of any relevant provision(s) allowed or entitled to view any relevant CCTV footage as part of an investigation into an organisation (which is conducting on behalf of a consumer)

4. Any written policy, or any other information (or both), that is concerned with the FOS being, by virtue of any relevant provision(s), allowed or entitled to listen to any relevant audio material as part of an investigation into an organisation (which is conducting on behalf of a consumer).

- 4 October 2023, clarifying previous request

"For clarification purposes, the content in paragraph 3 of my said 03<sup>rd</sup> October FOIA, 2000 request is intended to apply to any relevant Closed Circuit Television (CCTV) footage that involves (or is concerned with) the organisation being investigated and the complainant.

For clarification purposes, the content on paragraph 4 of my said 03<sup>rd</sup> October FOIA 2000 request is intended to apply to any relevant audio material that involves (or is concerned with) the organisation being

investigated and the complainant”

- Further information request, 6 October 2023

“1. Any written Policy, or any other information (or both), that is concerned with any extent to which, during an investigation by the FOS in relation to an organisation (on behalf of a consumer), the Ombudsman is allowed to or enabled to (or both) take account of or into consideration (or both) any findings or conclusion(s) or decision(s) or determination(s) or any other relevant outcome(s) (or a combination of any) that has (or have) been made by any other statutory body or, if different, any public authority or any other relevant entity (or a combination of any) including (and, therefore, not limited to) the Information Commissioner’s Office”

## Reasons for decision

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6. Section 10(1) of 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".
7. On 21 November 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to both of the complainant’s requests within 10 working days.
8. Despite this intervention the public authority has failed to respond to the complainant in respect of either the request of 6 October or the clarified request of 4 October.
9. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with these requests for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to these requests within 20 working days and it is now required to respond in accordance with FOIA.

## Right of appeal

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

11. 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.
12. 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 .....**

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