

Freedom of Information Act 2000 (FOIA) Decision notice

Date: 13 March 2025

Public Authority: The Financial Ombudsman Service Ltd

Address: Exchange Tower

London E14 9SR

Decision (including any steps ordered)

- 1. The complainant has requested information about 138 Final Decisions that were excluded from publication in the last five years. The Financial Ombudsman Service (FOS) initially refused to provide the requested information, citing sections 31 and 40(2) of FOIA. These exemptions concern investigations and third-party personal information respectively. In its internal review, FOS accepted that these exemptions did not apply and provided the requested information.
- 2. The Commissioner's decision is that FOS breached section 1(1)(b) and 10(1) of FOIA by providing information to which the complainant was entitled outside the statutory timeframe.
- 3. The Commissioner does not require further steps.

Request and response

4. On 12 July 2024, the complainant wrote to FOS and requested information in the following terms:

"We requested a summary of reasons why 138 Final Decisions have been withheld from publication in the last five years.

1. In your response, you state that you do not keep logs of the product or complaint type. However, in your response you have confirmed that "We do have information on what firms the decisions were against".



Therefore, please provide a list of the 138 Final Decisions excluded from publication in the last five years in date order and by date showing which firms these decisions were against, data which you claim to have and therefore will be readily available."

- 5. FOS responded on 12 August 2024. It stated that it was relying on sections 31 and 40 of FOIA to withhold the requested information.
- 6. Following an internal review, FOS wrote to the complainant on 11 December 2024. It stated that it found the cited exemptions did not apply to the information caught in scope of the request. It then disclosed the requested information.

Scope of the case

- 7. The complainant contacted the Commissioner on 30 September 2024 to complain about the way their request for information had been handled.
- 8. FOS wrote to the Commissioner on 11 December 2024 and provided a copy of its internal review response.
- 9. The complainant wrote to the Commissioner on 18 December 2024 and stated that they remained dissatisfied with the way their request had been handled.
- 10. FOS has now disclosed the requested information and the following notice therefore records the procedural breaches of the legislation regarding this request.

Procedural matters

- 11. Under section 1(1) of FOIA a public authority must (a) confirm whether it holds information that has been requested and (b) communicate the information to the applicant if it is held and is not exempt information.
- 12. Under section 10(1) a public authority must comply with section 10(1) promptly and within 20 working days following the date of receipt of the request.
- 13. By not providing all the information to which the complainant was entitled within the statutory timeframe FOS breached sections 1(1)(b) and 10(1) of FOIA.



Other matters

- 14. The <u>section 45 Code of Practice</u> recommends that public authorities complete the internal review process and notify the complainant of its findings within 20 working days, and certainly no later than 40 working days from the receipt.
- 15. In this case FOS did not provide an internal review until after the recommended timeframe.
- 16. The Commissioner monitors FOIA breaches and adherence to the Code of Practice by public authorities and expects that FOS will take note of the issues raised by this complaint in its future responses under the legislation.



Right of appeal

17. 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

18. 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.

19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Keeley Christine
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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