

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 October 2019

Public Authority: Parliamentary and Health Service Ombudsman
Address: Citygate
47-51 Mosley Street
Manchester
M2 3HQ

Decision (including any steps ordered)

1. The complainant has requested a copy of the Parliamentary and Health Service Ombudsman's (PHSO) information security policy. Despite the intervention of the Commissioner, the PHSO has not provided a response to the request in accordance with the FOIA.
2. The Commissioner's decision is that the PHSO has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The PHSO must provide the complainant with a response to the request in accordance with its obligations under the 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

5. On 10 February 2019, the complainant wrote to the PHSO and requested information in the following terms:

"I extend to a request for the PHSO's 'Information security policy'.

6. To date, the complainant has not received a response to the request for information.

Scope of the case

7. The complainant contacted the Commissioner on 25 April 2019 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the PHSO dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

9. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject to the application of any exemptions that are appropriate.
10. Section 10(1) states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.
11. On 29 April 2019, the Commissioner wrote to the PHSO via case reference number FS50812972, advising it to respond to the request within 20 working days. She provided the PHSO with a copy of the request and asked the PHSO to state in its response whether or not the requested information was held and, if held, to either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the FOIA. She also provided a link to her Guide to Freedom of Information.
12. On 10 June 2019, the complainant contacted the Commissioner to advise that he had still not received a response from the PHSO.
13. The Commissioner contacted the PHSO again on 17 June 2019 asking it to provide a response by the end of that week.
14. On 18 September 2019, the complainant confirmed to the Commissioner that he had still not received a response to the request.
15. To date, the PHSO has not provided a response to the complainant. It is clear to the Commissioner that, in this case, the PHSO has failed to

respond to the request in accordance with the legislation. The Commissioner therefore finds that the PHSO breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

Right of appeal

16. 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

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

17. 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.
18. 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

Pamela Clements
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Wilmslow
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SK9 5AF