

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

28<sup>th</sup> November 2005

**Name of Public Authority:** Security Industry Authority

**Address of Public Authority:** 50 Broadway  
London  
SW1H 0SA

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint dated 4<sup>th</sup> April 2005 which states that the following request for information was made on 22<sup>nd</sup> February 2005 to the Security Industry Authority (the "SIA") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"Can you please supply the details which would explain how you calculated the outrageous fee you demand to license people in one of the poorest paid industries in the UK?"

The complainant clarified this request on 4<sup>th</sup> April 2005.

It is alleged that:

The SIA failed to reply promptly and fully to the complainant's specific request on two occasions and instead merely stated in duplicate information already available on its website.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority. The SIA is a public authority for the purposes of the Act by virtue of paragraph 23 of Schedule 1 to the Private Security Industry Act 2001.

The Commissioner's decision is as follows:

(1) The SIA replied to the complainant with information freely available on its website on 22<sup>nd</sup> February 2005 and again in the same vein on 4<sup>th</sup> April 2005 but failed to respond to his actual question within twenty working days. In doing so the SIA contravened the requirements of Part I of the Act, section 10(1).

Section 10(1) of the Act states 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.*

(2) The SIA replied twice to the complainant's request, on 22<sup>nd</sup> February 2005 and 4<sup>th</sup> April 2005, but did so in duplicate, quoting information already publicly available on its website, despite the complainant pointing this out and repeating his request. On receipt of the complainant's email dated 4<sup>th</sup> April 2005, the SIA should have realised that the complainant was not satisfied with the response given to his original request and that more detailed information was required. At that stage the SIA could reasonably have been expected to seek clarification from the complainant regarding the nature and scope of his request or to provide the information. Instead it simply supplied a copy of the more general information already supplied. The failure of the SIA to respond in a helpful manner to the complainant's request contravened section 16(1) of the Act which states that:

*It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.*

However the SIA did eventually provide to the complainant the information he had requested, on 22<sup>nd</sup> July 2005.

The Commissioner's decision in this case is that the SIA did not deal with the complainant's request in accordance with Part I of the Act in that it failed to comply with sections 10(1) and 16(1).

### **Action Required**

In view of the fact that the SIA provided the information requested by the complainant on 22<sup>nd</sup> July 2005 the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the SIA.

## Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 28th day of November 2005

Signed: .....

Richard Thomas  
Information Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF