

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

### **Decision notice**

**Date:** 23 July 2021

**Public Authority:** Parliamentary and Health Services  
Ombudsman

**Address:** Millbank Tower  
30 Millbank  
London  
SW1P 4QP

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

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1. The complainant requested information from the Parliamentary and Health Services Ombudsman ("the PHSO") about the number of complaint forms that had been signed by a particular Member of Parliament.
2. The Commissioner's decision is that the PHSO failed to respond to the request within 20 working days and therefore breached section 10(1) of the FOIA.
3. As the request has since been responded to, the Commissioner does not require the PHSO to take any further steps in relation to this complaint.

## Request and response

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4. On 23 May 2021, the complainant wrote to the PHSO and requested information in the following terms:

*"I have requested Mr M FABRICANT to countersign two PHSO Complaint Forms which he refused; how many Complaints have been signed by such MP by year since 2001 onwards to enable PHSO investigation(s) into various concerns raised within his constituency by constituents, if any ?"*

5. On 5 July 2021 the PHSO wrote to the complainant and provided its response to this request. The PHSO apologised for the delay and recognised that it had breached section 10(1) of the FOIA.

## Scope of the case

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6. The complainant contacted the Commissioner on 5 July 2021 to complain about the PHSO's failure to respond to his request within 20 working days.
7. On 20 July 2021 the complainant contacted the Commissioner and requested that a decision notice be issued which highlights this breach of the statutory timeframe under FOIA.
8. Therefore, the scope of this notice and the following analysis is to consider whether the PHSO has complied with section 10 of the FOIA.

## Reasons for decision

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9. Section 1(1) of the FOIA states that:

*Any person making a request for information to a public authority is entitled –*

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him.*

10. Section 10(1) of the FOIA states that responses to requests made under the Act must be provided, *"promptly and in any event not later than the twentieth working day following the date of receipt."*

11. The PHSO did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the PHSO has breached section 10 of FOIA. As the PHSO has since provided a response to the request, the Commissioner does not require the PHSO to take any steps.

## **Right of appeal**

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12. 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)

13. 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.
14. 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**

**Phillip Angell**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**