

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 July 2016

Public Authority: The Legal Ombudsman
Address: PO Box 6806
Wolverhampton
WV1 9WJ

Decision (including any steps ordered)

1. The complainant requested information relating to the names and terms of office of those who have performed Legal Ombudsman duties.
2. By failing to provide the requested information within twenty working days the Commissioner finds that the Legal Ombudsman has breached section 10. However, as the Legal Ombudsman has now provided the information in question the Commissioner does not require it to take any further action.

Request and response

3. On 1 March 2016, the complainant wrote to the Legal Ombudsman and requested information in the following terms:

"Can I have:

- a. the full names of persons known as Legal Ombudsman who are or have been Solicitors, Barristers/members of the legal profession that have performed Legal Ombudsman duties*
- b. the full names of all "Chief Ombudsman" and the dates of their term of office from the year the Legal services Act 2007 took effect*
- c. the full names of all "OTHER" Legal Ombudsman and the dates of their term of office from the year the Legal services Act 2007 took effect*

d. the full name of the individual who made the official Assessment Centre (Legal Ombudsman) "signature" and authorised that "signature" be used by others within your organisation".

4. The Legal Ombudsman responded on 5 April 2016.

Scope of the case

5. The complainant contacted the Commissioner on 4 April 2016 to complain about the way his request for information had been handled.
6. He told the Commissioner that he had not received a response to his request within the statutory timeframe.
7. The scope of the Commissioner's investigation was to consider whether there has been a breach of section 10(1) of the FOIA by the Legal Ombudsman in its handling of the complainant's request.

Reasons for decision

Section 10 time for compliance

8. Section 10(1) of the FOIA provides that:

"...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."

9. Section 10(6) explains what is meant by "the date of receipt", namely:

"the date of receipt" means—

(a) the day on which the public authority receives the request for information, or

(b) if later, the day on which it receives the information referred to in section 1(3);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom".

10. The Commissioner's guidance¹ to public authorities on the timescales for responding to a request for information states:

"The time allowed for complying with a request starts when your organisation receives it, not when it reaches the freedom of information officer or other relevant member of staff".

11. The Commissioner also explains² that:

"The date of receipt will be either;

*- The day on which the request is physically or electronically delivered to the authority, or directly into the email inbox of a member of staff; **or***

- if the authority has asked the requester for further details to identify and locate the requested information, the date on which the necessary clarification is received".

12. From the information provided to the Commissioner, and taking Good Friday and the bank holiday into account, he is satisfied that the Legal Ombudsman failed to respond to the request within the statutory time frame of 20 working days. The Legal Ombudsman therefore breached section 10 of the FOIA.

¹ <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

² <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/receiving-a-request/>

Right of appeal

13. 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@hmcts.gsi.gov.uk

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

14. 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.
15. 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

Jon Manners
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