

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 November 2016

Public Authority: The Post Office Ltd
Address: Finsbury Dials
20 Finsbury Street
London
EC2Y 9AQ

Decision (including any steps ordered)

1. The complainant made a freedom of information request to the Post Office Ltd for details of the 'complex issues' which it said had prevented it from responding to a separate request the complainant had made under the Re-use of Public Sector Information Regulations. The Post Office failed to respond to the request.
2. The Commissioner's decision is that the Post Office has breached section 10(1) of FOIA by failing to respond to the complainant's request within 20 working days. However, during the course of the Commissioner's investigation the Post Office provided a response to the complainant and therefore the Commissioner requires no steps to be taken.

Request and response

3. The complainant had made a request to the Post Office Ltd under the Re-use of Public Sector Information Regulations 2015 (RPSI) for permission to re-use Post Office branch information from its online 'branch finder' tool. The Post Office had referred to the regulation 8(2) of this legislation which provides that where a request for re-use raises "complex issues" a public sector body may extend the deadline to respond to the request beyond the normal 20 working days until such time is reasonable in the circumstances.
4. On 18 December 2015 the complainant contacted the Post Office Ltd to ask for details about what these complex issues were. It is this request which is the subject of this decision notice. The request read as follows:

In order that I may evaluate (and possibly contest) your application RoPSIR Regulation 8(2), could you please outline exactly what the "complex issues" are that apply to this case.

5. The Post Office failed to respond to the request and so on 14 March 2016 (after the Post Office had responded to the RPSI request) the complainant again asked it to respond, this time with explicit reference to FOIA.

I also note that my request of 28th December for the details of the "complex issues" that delayed my RoPSIR request has yet to be unanswered [sic]. Technically this request meets the requirements of FOIA, and hence you are required to provide a response. I trust you will do so as part of your review.

6. The Post Office failed to respond to the request.

Scope of the case

7. On 20 May 2016 the complainant contacted the Commissioner to complain about the Post Office's failure to respond to his FOIA request.
8. Upon receipt of the complaint the Commissioner contacted the Post Office to remind it of its obligations under FOIA and in view of the considerable delay asked it to respond to the complainant within 10 working days. Whilst the Post Office did not respond within 10 working days it did eventually respond to the complainant on 9 November 2016.
9. Despite the fact that the Post Office has now responded to the request the complainant has asked that the Commissioner still issue a Decision Notice.

Reasons for decision

Section 10(1) – time for compliance

10. Section 10(1) of FOIA provides that a public authority must respond to a request promptly and in any event within 20 working days.
11. The complainant made his request for information to the Post Office on 18 December 2015 but it did not respond until 9 November 2016. The Post Office has clearly exceeded the 20 working day limit and therefore

Reference: FS50653203



the Commissioner has found that it breached section 10(1) in its handling of the request.

Right of appeal

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: 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

**Paul Warbrick
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**