

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

### **Decision notice**

**Date:** 22 August 2022

**Public Authority:** Financial Ombudsman Service  
**Address:** Exchange Tower  
London  
E14 9SR

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

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1. The complainant has requested information relating to the number of complaints that the Financial Ombudsman Services (FOS) received in 2021.
  2. The Commissioner's decision is that FOS has failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of FOIA.
  3. The Commissioner requires FOS to take the following steps to ensure compliance with the legislation:
    - Issue a response, in accordance with its obligations under FOIA, to the request.
  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 FOIA and may be dealt with as a contempt of court.
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## **Request and response**

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5. On 8 April 2022, the complainant wrote to FOS and requested the following information:

"The number of complaints you received between 1st January 2021 and 31st December 2021.

The number of unsettled complaints in progress at 1st January 2021.

The number of unsettled complaints in progress at 31st December 2021.

How many investigators were employed as at 1st July 2021 and what was their employment status, employed or contractor. Please break the employed down into permanent, temporary and short-term contract.

How many ombudsmen were employed as at 1st July 2021 and what was their employment status.

How much funding (taxpayer's money) did the ombudsman receive from the government, either directly or indirectly for the calendar year 2021 (I don't believe it was none).

How much funding did the ombudsman receive from the insurance companies for the calendar year 2021, with the top ten companies highlighted separately by amount."

6. FOS acknowledged receipt of the request on 11 April 2022 but had failed to provide a substantive response by the date of this notice.
7. The Commissioner notes that the complainant chased a response to their request on 8 July 2022.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 30 July 2022 to complain about the way that their request had been handled, specifically, that a response had not yet been provided.
9. The Commissioner considers the scope of this notice is to determine whether FOS has complied with section 10 of FOIA.

## Reasons for decision

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10. Section 1(1) (general right of access to information held by public authorities) 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."

11. Section 10 time (for compliance with the request) of FOIA states 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."

12. The request was made on 8 April 2022 and therefore a response should have been provided no later than 11 May 2022.

13. In line with his established processes, the Commissioner contacted FOS on 5 August 2022 to highlight the outstanding response. The Commissioner requested that FOS provide a response within 10 working days of receiving his correspondence.

14. FOS did not acknowledge or respond to the Commissioner's correspondence of 5 August 2022.

15. On 22 August 2022 the complainant wrote to the Commissioner and explained that FOS were still yet to provide a substantive response to their request for information.

16. The Commissioner's decision is that FOS has breached section 10(1) of FOIA in its handling of this request. He also notes that FOS failed to provide a response within the timeframe provided to it by the Commissioner on 5 August 2022.

## Right of appeal

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17. 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)

18. 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.
19. 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

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