

By email only
Ms Elaine Colville



15 April 2014

Dear Ms Colville

I am writing in response to your email dated 18 February 2014 in which you expressed dissatisfaction with our handling of your request for information under case reference 177234. I have also noted the comments you have made in your emails dated 26 February, 5 March, 13 March and 1 April 2014 which link to both case references 177234 and 183468.

Background: Your original request

You submitted an information request on 1 November 2013 in which you sought various pieces of information. Broadly in your request you sought copies of standard forms, keywords, casework themes and the Ombudsman's delegation scheme. In submitting your request you explained:

'Information and data covering requests 1-5 should distinguish between forms (as amended from time to time) that were effective and in use in each year 2008 to date and between Parliamentary and Health complaints as relevant.'

Background: Our original response

By email dated 28 November 2013 Mr McKenzie provided you with a copy of the most up to date 'standard forms', keywords, casework themes, and delegation scheme that we had available. He explained that these documents were regularly updated to reflect changes in the external environment, the types of complaints that we receive, and the way in which we work.

Mr McKenzie went on to note that:

'Taking into the account the time that we have already spent on compiling the information for this request, to provide you with a copy of every version of the documents attached to this email from 2008 to date would exceed the 'appropriate cost limit' set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. Section 12 of the Freedom of Information Act 2000 provides an exemption from the obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit. The appropriate limit in relation to this Office is £450 (or 18 hours at £25/hour).



...

I can assure you that I have tried to provide you with the most relevant and helpful information we hold with this response. To provide you with all of the information you have asked for going back to 2008 will not only be difficult and time consuming, it will involve compiling a large number of forms, some of which will contain only very minor amendments to the previous versions. To assist you, if there is a particular document that we used on a specific date that is of interest to you, please write to us and we will endeavour to provide you with the requested information.'

Background: Your subsequent correspondence

On 29 January 2014 you contacted us again. You expressed some doubt as to Mr McKenzie's application of Section 12 of the Freedom of Information Act 2000. Notwithstanding this you then explained:

'I would be obliged if I could receive copies of the following forms which I assume your IT Dept. can readily access from PHSO Archives:

1. Assessment Form (in effect 1 Nov 08 to 31 Jan 09)
2. Recommendations & Outcomes Panel Form (in effect 1 Nov 08 - 31 Jan 09)
3. Review Proposal Sheets ((a) in effect 1 May - 31 Dec 09 and (b) whole of 2010).'

This was treated as a new information request and was responded to under case reference 183468 (see our response dated 25 February 2014 in which we supplied information in response to your request.)

Your request for a review:

In your subsequent emails you have, in essence, raised concerns about our decision to treat your email dated 29 January 2014 as a new information request.

You have also expressed concern at the timeframe within which the Ombudsman undertakes internal reviews of the handling of information requests.

My Review:

Having reviewed this matter I think we were entitled to treat your email dated 29 January 2014 as a new information request. Whilst I understand your point when you say that some of the information supplied under case reference 183468 fell within the scope of your first request you must also keep in mind that we refused to supply all of the information falling within the scope of that original request. It is only when you subsequently returned to us with a narrowed information request that we were able to provide the more specific information you sought.

In relation to the timescales that apply to our internal review process you are correct to point out that the Information Commissioner's Office has issued good practice guidance that suggests that a public authority should complete its internal review within 20 working days. As you will no doubt already be aware that guidance later notes that no internal review should take longer than 40 working days.

Bearing these points in mind we of course try to complete our internal reviews as quickly as we can. If possible we will do this within 20 working days. However, it is not always possible to meet that timescale, and it is for that reason that we explain to all complainants that in any event our reviews will be completed within the 40 working work day timescale. In your case I can confirm the deadline for our review response is 15 April 2014. I am sorry that it has taken longer than 20 working days but you have received our response within the 40 working day deadline set.

For completeness I noted earlier that you expressed some doubt as to Mr McKenzie's application of the cost exemption in section 12 FOIA 2000 to your original request. I would like to confirm that having looked at that matter also I agree with Mr McKenzie's analysis. I am satisfied that we have fully met our obligations to you under information access legislation. That concludes my review. If you consider that I have not dealt with your information request properly you can raise the matter with the Information Commissioner. He can be contacted at:

**The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5A**

Yours sincerely



Steve Brown

Head of Risk, Assurance and Programme Management Office