



Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 26 April 2006

Public Authority: Royal Mail Group PLC
Address: 5th Floor
148 Old Street
London
EC1V 9HQ

Summary Decision and Action Required

The Commissioner's decision in this matter is that the public authority has not dealt with the complainant's request in accordance with Part I of the Act in that it has failed to comply with its obligations under section 10.

The Commissioner confirms that as the public authority has now provided the requested information no remedial action is required.

- 1. Freedom of Information Act 2000 (the 'Act') – Applications for a Decision and the Duty of the Commissioner**
 - 1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the complainant's request for information made to the public authority has been dealt with in accordance with the requirements of Part I of the Freedom of Information Act 2000 (the 'Act')
 - 1.2 Where a complainant has made an application for a decision, unless:
 - a complainant has failed to exhaust a local complaints procedure, or
 - the application is frivolous or vexatious, or
 - the application has been subject to undue delay, or
 - the application has been withdrawn or abandoned,

the Commissioner is under a duty to make a decision.

- 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a notice of his decision on both the complainant and the public authority.

2. The Complaint

- 2.1 The complainant has advised that on 3 May 2005 the following information was requested from the public authority in accordance with section 1 of the Act.
- 2.2 “could you please tell me on how many occasions in the past twelve months there have been reported losses of railway tickets whilst in transit with the Post Office, having been sent by ordinary First Class post from the offices of The Trainline.com in Edinburgh”
- 2.3 The complainant did not receive the requested information and he then complained to Postwatch about this and other matters. Following this complaint the public authority wrote to the complainant providing an address to which he was advised to direct his Freedom of Information request. The complainant accordingly resubmitted his request in a letter dated 8 July 2005.
- 2.4 Although the public authority advised that they responded to the request dated 8 July in a letter dated 22 July 2005, the complainant stated that he had not received this response, and the public authority were unable to provide a copy of the correspondence. The Commissioner therefore asked the public authority to send a further response, which they did on 21 December 2005. However this response provided information for a different time period than that detailed in the request, and the correct information was only provided, after further intervention from this office, on 13 March 2006.

3. Relevant Statutory Obligations under the Act

- 3.1 **Section 10(1)** 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”.

4. Review of the case

- 4.1 The Commissioner considers that the request was first made in the complainant’s letter of 3 May 2005, and that the public authority has a duty to respond to requests regardless of their point of receipt within the Authority, and should not put the onus on the applicant to apply to a specific department.
- 4.2 In view of the public authority’s inability to provide a copy of the response they said they had made in July 2005, the Commissioner

considers that the requested information was not provided until 13 March 2006. He also notes however that even if a reply was made in July 2005 as the public authority have stated, this would still have been more than twenty working days after the receipt of the original request.

5. The Commissioner's Decision

5.1 The Commissioner's decision in this matter is that the public authority has not dealt with the Complainant's request in accordance with the following requirements of Part I of the Act:

5.2 **Section 10(1)** - in that it exceeded the statutory time limit for responding to a request made under section 1(1).

6. Right of Appeal

6.1 Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process may be obtained from:

Information Tribunal
Arnhem House Support Centre
PO Box 6987
Leicester
LE1 6ZX

Tel: 0845 600 0877
Fax: 0116 249 4253
Email: informationtribunal@dca.gsi.gov.uk

6.2 Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 26th day of April 2006

Signed

**Phil Boyd
Assistant Commissioner
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**