

## **Freedom of Information Act 2000 (Section 50)**

### **Decision Notice**

**Dated 21<sup>st</sup> March 2006**

**Public Authority: Royal Berkshire Fire Authority**

**Address: 103 Dee Road  
Tilehurst  
Reading  
Berkshire  
RG30 4FS**

#### **Summary Decision and Action Required**

**The Commissioner's decision, in this matter, is that the Public Authority has dealt with the Complainant's request in accordance with Part I of the Act; it has complied with its obligations under section 1(1).**

#### **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.

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- the application has been withdrawn or abandoned,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 informed the Commissioner that, on 7<sup>th</sup> January 2005, the following information was requested from the Public Authority in accordance with section 1 of the Act:

- 1) "the scheme for personal accident cover, including assault for employees

and others, Berkshire County Council ref no. CPD 217, and”

- 2) “the company & policy number, for the dates of when I retired, which comes under section 4 of the said policy.”

2.2 On 2<sup>nd</sup> February 2005, the Authority responded to the complainant providing the name of the insurance company and the policy number held in relation to part 2) of the complainant’s request.

### **3. Relevant Statutory Obligations under the Act**

**Section 1(1)** provides 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.

### **4. Review of the case**

4.1 The complainant is satisfied that part 1) of the request was dealt with satisfactorily and so the Commissioner will not make a decision on this aspect.

4.2 In response to part 2) of the request, the Authority provided information which stated that AIG Europe (UK) Limited was the company providing cover under section 4 of the personal accident scheme. The complainant had written separately to AIG, who had informed him that it did not cover section 4. The complainant questioned the discrepancy between these two contrasting responses and asked the Commissioner to review whether all relevant information has been provided by the Authority in response to the second part of his request.

4.3 The Public Authority told the Commissioner that this information was sourced from the Policy Schedule, which was held in a filing cabinet in the Authority’s Treasurer’s Office. This is where information on the Authority’s insurance policies is usually kept. However, the Policy Certificate, relating to the Schedule, is displayed in the workplace which is a statutory requirement. The Authority has assured the Commissioner that there is no further information held in relation to the second part of the complainant’s request. The Commissioner is satisfied with this assurance.

4.4 The Authority has assured the Commissioner that there is no further information held in relation to the second part of the complainant’s request. The Commissioner is satisfied with this assurance.

### **5. The Commissioner’s Decision**

5.1 The Commissioner’s decision is as follows:

In view of the above, the Commissioner is satisfied that all the information requested by the complainant has been provided and that the complainant's request has been dealt with in accordance with the following requirements of Part I of the Act:

Section 1 of the Act:

"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."

## **6. Action Required**

In view of these matters, the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Royal Berkshire Fire Authority.

**7. Right of Appeal**

7.1 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](mailto:informationtribunal@dca.gsi.gov.uk)

7.2 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 21<sup>st</sup> day of March 2006**

**Signed .....**

**Phil Boyd  
Assistant Commissioner**

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