



Freedom of Information Act 2000 (Section 50)

Decision Notice

Dated 23 March 2006

**Public Authority: The Department for Work and Pensions
(Job Centre Plus)**

**Address: Department for Work and Pensions
The Adelphi
2nd Floor
1-11 John Adam Street
London
WC2N 6HT**

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- the application has been withdrawn or abandoned,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 13th October 2005 the following information was requested from the Public Authority in accordance with section 1 of the Act.

2.2 “Standard Operating Model.
With particular reference to:
Ref.(1)
D.W.P./Benefits Agency staff procedure in regard to benefit claimant at point of first contact.
Ref.(2)
D.W.P./ Benefits Agency staff procedure in regard to benefit claimant-Incapacity Benefit.”

2.3 The Public Authority initially responded to the request by asking for further clarification in a letter to the complainant dated 19 October 2005. The complainant responded to this letter on 24 October 2005, reiterating his request but not providing any further clarification. The public authority provided the requested information in a letter dated 24th November 2005, without having received any further clarification from the complainant.

2.4 On 25 November 2005 the complainant sent a further letter to the public authority which he has advised this office he sent as further clarification of his original request. The public authority, having already responded to the original request treated this as a new request and responded to this by providing information on 29 December 2005.

3. Relevant Statutory Obligations under the Act

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 With regard to the original request of 13 October 2006, although the Public Authority asked the complainant to clarify his request, the Commissioner finds that as it was able to provide the requested information without receiving any further clarification, the original request was clear enough for it to identify what was required. The twenty working day time limit then runs without pause, and the Public Authority has exceeded this limit.
- 4.2 With regard to the clarified request, the Commissioner accepts that as the public authority had already met the first request, it was reasonable for it to treat the complainants' clarification as a new request. However, the response to this was sent on 29 December 2005 which was just outside the twenty working day time limit.

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:

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.

FS50094591

Dated the 23rd day of March 2006

Signed

**Phil Boyd
Assistant Commissioner**

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