

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 24th February 2006

Name of Public Authority: Department for Work and Pensions

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

Nature of Complaint

The Information Commissioner ("the Commissioner") has received a complaint from the above ("the Complainant") which states that the following information was requested in writing from the Child Support Agency ("CSA") part of the Department for Work and Pensions, under section 1 of the Freedom of Information Act 2000 ("the Act"):

In summary: legislation, guidance, instructions and policy documents covering the treatment of maintenance arrears caused by official errors by CSA staff.

It is alleged that apart from a telephone call to acknowledge receipt of the request, the CSA failed to respond to the Complainant within the statutory time limit set out by the Act.

Relevant Statutory Obligations under the Act

Section 10(1) states:

“Subject to subsections (2) and (3), 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.”

Review of case

The Complainant advised that the request was sent to the Public Authority on 12th May 2005. The Public Authority has advised the Commissioner that its records indicate that the request was received on 13th May 2005 and a telephone call was made to the Complainant.

Following intervention by this office, a written response to the request was sent to the Complainant on 9th December 2005.

The Commissioner’s Decision

Under section 50 of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The CSA did not respond to the complainant’s original request, by providing either the requested information or a refusal notice until 9th December 2005.

As such, the Commissioner’s decision is that the Public Authority has not dealt with the Complainant’s request in accordance with section 10 (1) of the Act in that it exceeded the statutory time limit for responding to a request made under section 1(1).

Reference: FS50102162

Right of Appeal

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

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester	
LE1 6ZX	

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 24th day of February 2006

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF