

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 2005

Name of Public Authority: Royal Mail

Address of Public Authority: 148 Royal Mail House
Old Street
London
EC1V 9HQ

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 4 January 2005 the following information was requested from the Royal Mail under section 1 of the Freedom of Information Act 2000 (the "Act"):

"For confirmation by e-mail that there were no requests made for access to my personnel file under ref. numbers 310/917 or 330/11376, between 23 October 2002 and 25 June 2003."

It is alleged that the Royal Mail refused to supply the information requested by the complainant.

The Commissioner's Decision

Under section 50(1) 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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and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 Commissioner's decision is as follows:

- (1) On 4 February 2005 the Royal Mail informed the complainant by e-mail that they "hold no record of the information you have asked for." The information requested by the complainant is not held by the Royal Mail and therefore cannot be provided to the complainant.
- (2) However, the Royal Mail failed to inform the complainant in writing and within 20 working days following the date of receipt of his request, whether the information specified in his request was held. In so doing, the Royal Mail contravened the requirements of section 10(1) of 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.”

Action Required

The Royal Mail has now confirmed that it does not hold the information requested by the complainant. 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 the Royal Mail.

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 277
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 day of 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF