

Freedom of Information Act 2000

July 2013

The Pensions
Regulator

Right of access

The Freedom of Information Act 2000 came into force on 1 January 2005. It affects all public authorities and gives you a right (unless an exemption applies) to:

- be told if information is held and
- be given that information.

The term 'public authority' includes most public organisations and government departments in England, Wales and Northern Ireland (Scotland have their own Act), and also includes us, the regulator of work-based pensions in the UK.

The Information Commissioner is responsible for overseeing the Act (together with the Data Protection Act 1998). By law, we and all other public authorities must:

- adopt and maintain a 'publication scheme'
- confirm or deny (when requested) whether or not information is held and
- provide that information (or explain why it will not be provided) within 20 working days.

Most requests for information will be free of charge, although sometimes we might make a charge for postage or photocopying.

What is a publication scheme?

The main purpose of a publication scheme is to make information readily available without the need for specific written requests. Our publication scheme explains:

- the classes of information that we already publish or intend to publish
- how we will publish the information (for example, on our website) and
- whether or not we will make a charge for the information.

It is not a full list of our publications as the list changes and we update publications regularly.

The Information Commissioner has approved our publication scheme and it's available on our website at www.thepensionsregulator.gov.uk/foi/publication-scheme. It is also available, free of charge, in other formats – in large print, Braille or another language.

What about information not listed in the publication scheme?

Not all of the recorded information we hold will be included in our publication scheme. This does not necessarily mean that it is not available, so please make a written request for the information you want. The information may be recorded in any form – for example, paper, email or electronic – and may come from any source, not just documents published by us.

Please note

If you want information about yourself as an individual, then the Data Protection Act 1998 applies, not the Freedom of Information Act. The Data Protection Act can be viewed at www.legislation.gov.uk/ukpga/1998/29/contents.

How do I ask for information?

- You should ask for information in writing (letter, email or fax)
- You will need to describe the information you want to help us identify, find and provide it for you, but you do not have to tell us why you want it and we will not ask.

Email foi@thepensionsregulator.gov.uk or visit www.thepensionsregulator.gov.uk/foi

You can also get further more information from:

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

0303 123 1113

Email casework@ico.org.uk or visit www.ico.org.uk

What will you do with my request?

- When we receive your request, we will normally respond within 20 working days
- We will tell you whether you need to pay a fee (if there is a fee, you must pay this before we send the information)
- In most cases, we will confirm whether or not we hold the information you want
- We will ask you what format you would prefer us to provide the information in
- If we don't hold the information, we will tell you who does (if we know)
- If we decide not to provide the information you have asked for, we will tell you why
- If there is a delay, we will tell you why and let you know when you can expect to receive the information, or we will explain why we will not provide it.

Can you withhold information?

Although the Act supports national policies to modernise government and encourage openness, there are some exemptions. For example, we may withhold information where:

- we are not allowed to release it under other legislation or it would be a contempt of court to release it
- it is legal advice
- it was provided in confidence or is classed as personal data under the Data Protection Act 1998
- it is due to be published in the future
- it is already reasonably available to you from another source, or
- it would affect any of our investigations.

We may:

- refuse requests from anyone who repeatedly asks for the same or very similar information
- withhold information where the cost of releasing it is more than £450 even if you are willing to pay the full costs in dealing with the request (although we will provide information up to that cost), or
- in some cases, not tell you whether we hold the information you have asked for.

Sometimes, we may need more than 20 working days to find information and decide whether or not we can release it. If this is the case, we will respond to you within 20 days of receiving your request to let you know that it will take us longer to deal with it. We will try to tell you when we expect to be able to respond in full.

What if I'm not satisfied with how you have dealt with my request?

You can request an internal review by writing (letter, email or fax) to our corporate secretary at The Pensions Regulator (see back page for contact information).

We will either respond in full to your complaint within 20 working days or let you know as soon as we can if we expect to take longer than this.

If you are still not satisfied with our response, you can complain to the Information Commissioner (see p3).

How to contact us

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F 0870 241 1144

E customersupport@thepensionsregulator.gov.uk

www.thepensionsregulator.gov.uk

www.trusteetoolkit.com

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