

The Pensions Regulator



The Pensions Regulator and the Freedom of Information Act 2000



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The Pensions Regulator was set up under the Pensions Act 2004 and replaces the Occupational Pensions Regulatory Authority (Opra).

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It's all about your 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, photocopying, tapes or disks.

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. It is also available, free of charge, in other formats – in large print, Braille or another language. You can place an order with our customer support team on 0870 6063636.

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.

Remember

If you want information about yourself as an individual, then the Data Protection Act 1998 applies, not the Freedom of Information Act.

How do I ask for information from you?

- You should ask for information in writing (letter, email or fax).
- There's a form on our website you can use (but you don't have to use this form).
- Don't forget to provide your name and a contact address so that we can send you your information.
- 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.

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 (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 complain by writing (letter, email or fax) to our corporate secretary at the Pensions Regulator (see 'Useful contacts' for full contact details).

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 'Useful contacts').

Useful contacts

If you have any questions about your rights under the Freedom of Information Act, please contact us and ask for the information access team.

The Pensions Regulator

Napier House
Trafalgar Place
Brighton
BN1 4DW

Website: www.thepensionsregulator.gov.uk

Email: foi@thepensionsregulator.gov.uk

Phone: **0870 6063636**

Fax: **0870 2411144**

You can also get leaflets and more information from:

The Information Commissioner

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

Website: www.informationcommissioner.gov.uk

Email: foi-enquiries@ico.gsi.gov.uk

Phone: **01625 545745**

Fax: **01625 524510**

The Lord Chancellor's Department
Information Rights Division
Department for Constitutional Affairs
6th Floor
Selborne House
54 Victoria Street
London
SW1H 6QW

Website: www.foi.gov.uk
Email: informationrights@dca.gsi.gov.uk
Phone: **020 7210 8034**
Fax: **020 7210 8388**

The Campaign for Freedom of Information
Suite 102
16 Baldwins Gardens
London
EC1N 7RJ

Website: www.cfoi.org.uk
Email: admin@cfoi.demon.co.uk
Phone: **020 7831 7477**
Fax: **020 7831 7461**

How to get in touch with us

The Pensions Regulator

Napier House
Trafalgar Place
Brighton
BN1 4DW

www.thepensionsregulator.gov.uk

Customer support

Phone: **0870 6063636**
9am to 5pm, Monday to Friday

Textphone: **0870 2433123**

Fax: **0870 2411144**

Email: customersupport@thepensionsregulator.gov.uk



Please contact us if you have any questions about this leaflet or you would like more copies. We can produce it in Braille, in large print or on audiotape. We can also produce it in other languages.

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