

TPAS AND THE FREEDOM OF INFORMATION ACT 2000

THE PENSIONS ADVISORY SERVICE

TPAS has been providing information and guidance to members of the public on all aspects of pension provision since 1983. We provide free of charge a one-stop pensions information and guidance service through:

- Resolving via a mix of conciliation, mediation and explanation, specific problems an individual is experiencing with a private pension provider. This covers all types of pension provision;
- Giving information and guidance on all pension matters. Including generic information on state pensions;
- Bringing to the attention of government departments, the public and the pensions industry areas of concern about the delivery of pensions, gained through our unique position in the industry.

We provide a national telephone helpline, manned by pension professionals, who will provide information and guidance on any aspect of occupational, personal, stakeholder and state pensions.

Introduction to the Freedom of Information Act

The Freedom of Information Act (FOIA) 2000 provides a general right of access to information held by public bodies. All bodies specified in Schedule 1 of the Act are subject to this information access requirement. Although TPAS is not a body named in Schedule 1, to ensure transparency we have agreed to respond to Freedom of Information requests and in doing so mirror as far as possible the requirements affecting public bodies that the Act does cover.

Under the Act you may request recorded information from a public authority which has functions in England, Wales and/or Northern Ireland. It gives you the right (unless an exemption applies) to:

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

You are not required to mention the Act when making a request for information. The request must however be in a permanent form, for instance in writing or by email.

The Information Commissioner is responsible for overseeing the Act (together with the Data Protection Act 1998). By law, 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, however we may charge for postage, photocopying, tapes or disks.

The Publication Scheme

The FOIA places a requirement on all public bodies covered by the Act to make as much information as possible available through a publication scheme. In the spirit of openness TPAS has produced a publication scheme. The main purpose of it 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 and
- Whether or not we will make a charge for the information.

Further information including the classes of information that are available under our publication scheme is shown in our Freedom of Information Publication Scheme attached at Annex A.

Information not listed in the publication scheme

TPAS aims to be open and transparent about its work. However, 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, but you will need to make a written request for the information you want. A request may relate to information recorded in any form – for example paper, email, electronically, CD, video tape- and to information held by us, not just documents published by us.

How do I request the information?

- You should ask for the information in writing (letter, email or fax) for the attention of the HR manager.
- 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.
- Please provide your name and a contact address so that we can send you your information.

What happens to my request?

- When we receive your request, we will normally respond no later than 20 working days following the date on which the request is received.
- After looking through your request we will notify 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, if we don't hold it we will advise you who does (if we know).
- If there is any delay with your case we will tell you why and let you know when you can expect to receive the information. If we decide not to provide the information you have asked for, we will normally tell you the reason.

Information that is withheld

The purpose of the Act is to encourage openness amongst all public authorities, but there are a number of exemptions to what information can be disclosed. The main exemptions are:

- Information covered by the right of access in section 2 of the Act;
- It is legal advice;
- It was provided in confidence;
- It is personal data under the Data Protection Act 1998;
- It is due to be published in the future;
- It is already available to you from another source;
- It may affect the investigations of TPAS

We may:

- Refuse requests from anyone who repeatedly asks for the same or very similar information;
- Refuse requests if they are not in writing or do not clearly indicate the information sought;
- Withhold the information if the cost of releasing it is more than £450;
- In some cases, not tell you whether we hold the information you have asked for.

Complaints

Complaints about TPAS' publication scheme or about our response to a request for information that is not published under the scheme should be made in writing to the Head of Corporate Services at the following address:

The Pensions Advisory Service
11 Belgrave Road
6th Floor
London
SW1V 1RB

Website: www.pensionsadvisoryservice.org.uk
Email: enquiries@pensionsadvisoryservice.org.uk
Tel: 020 7630 2250
Fax: 020 7592 7000

We will aim to provide you with a full response within 20 working days and if we are unable to do so we will let you know and give you a date by which you can expect a reply.

If you remain dissatisfied with our response, you can complain to the TPAS Chief Executive at the above address. There is no further right of redress.

THE TPAS FREEDOM OF INFORMATION PUBLICATION SCHEME

In preparing our publication scheme we have followed the Information Commissioner's model publication scheme.

This publication scheme commits TPAS to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by TPAS. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by TPAS and falls within the classifications below.
- To specify the information which is held by TPAS and falls within the classification below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information we make available under this scheme.
- To produce a schedule of any fees charges for access to information which is made proactively available.
- To make this publication scheme available to the public.

Classes of Information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make our decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and Registers

Information held in registers required by law and other lists and registers relating to the functions of TPAS.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information is in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

TPAS will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of TPAS, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, TPAS will indicate how the information can be provided by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where TPAS is legally required to translate any information it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by TPAS for routinely published material will be kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying;
- postage and packaging;
- the costs directly incurred as a result of viewing information.

Charges may also be made for information provided under this scheme where they are legally authorised. They are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to the provision of the information.

Written Requests

Information held by TPAS that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.