Access to information policy
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Introduction

The Legal Ombudsman is committed to operating openly. This means:

- We will try to respond to every reasonable request for information in order to maintain a high level of public and stakeholder trust and confidence in our organisation.

- We welcome the rights of access to information which are set out in the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004.

Further details about the sorts of information we make available, how to get it and what to do if you’re not happy with our service can be obtained from the links below.

- Freedom of Information
- Environmental Information Regulations
- Data Protection (subject access right)
- Frequently asked questions
- Service complaints procedure
The Freedom of Information Act 2000

If you have a question about how the Legal Ombudsman works, then the Freedom of Information Act is probably the best place to start.

The Act gives you a general right of access to recorded information held by public authorities, including the Legal Ombudsman. The responsibility for overseeing the operation of the Act rests with the Information Commissioner, who is independent of government but reports directly to Parliament. For a more detailed description of the Freedom of Information Act, its scope and your rights, please visit the Information Commissioner's website.

Our freedom of information principles

One of the key principles of good administration is to be open and accountable. We therefore welcome the rights of access to information set out in the Freedom of Information Act. And we’re committed to publishing a wide range of information about our own activities as well as other subjects which may be of interest to the public.

The Legal Ombudsman is committed to dealing with requests for information in accordance with the guidance issued by the Information Commissioner’s Office.

If you can’t find what you’re looking for in our ‘publication scheme’ (i.e. what we publish), please ask. We will always try to help. But we have to balance our commitment to operating openly and transparently with a duty to protect the personal and confidential information we hold about the investigations we conduct into legal service complaints. Normally, these investigations will be conducted in private, so the information we gather can only be disclosed to other people in very specific circumstances. We do make some information about our investigations public, but this is limited to things like case summaries, for example, or the statistics contained in documents that we would normally publish (in our ‘publication scheme’).

We will always try to disclose the information you ask for unless we believe there are good reasons not to. Subject to certain exemptions, you have the right:

- to be told whether we hold the information you want; and if so

- to be sent that information, where possible in the format you have requested.
The Legal Ombudsman’s guide to information is based on the Information Commissioner’s model publication scheme for what are called ‘non-departmental public bodies’. We decided to adopt this because it means we can make a significant amount of information available without you having to make a specific request under the Freedom of Information Act.

- if you can’t find the information you want on our website, or
- if you want to make a complaint about how a request for information included in our publication scheme has been handled, you should contact our Compliance Team.

**What we publish**

What we publish is based on good practice as set out by the Information Commissioner. We have put our information together under separate headings, easily accessed by clicking on the links below.

Although our policy is to make as much information available as we can, there are times when we can’t publish certain things. This applies, for example, where:

- disclosure is prevented by law, including in certain clauses in the Freedom of Information Act and Legal Services Act.
- information is protected by something called ‘legal professional privilege’; (see link to What is ‘Legal professional privilege’? in Frequently asked questions)
- the information or document is in draft form only (not a final version); and;
- the information or document is no longer readily available because it’s contained in files that have either been stored in an archive somewhere else or can’t be got at easily for similar reasons.

The type of information we routinely publish falls into the following categories:

- **Who we are and what we do**
- **What we spend and how we spend it**
- **What our priorities are and how we are doing**
• How we make decisions
• Our policies and procedures
• Lists and registers
• The services we offer

**Who we are and what we do**

This section provides general information about our organisation: for example, our location, internal contacts and committees, and details about how we are organised and our Board.

i. Biographies of our Board members

ii. Biographies of our Ombudsmen

iii. Board members' register of interests

iv. How to contact us

v. Web links to other related bodies and information (e.g. Legal Services Board, Law Society, British & Irish Ombudsman Association, The Legal Services Act 2007, etc).

**What we spend and how we spend it**

This section provides information about our finances: for example, our forecast and actual income, plus what we spend, what we buy, and the contracts we have with external suppliers.

i. Annual Reports

ii. Business Plan

iii. Board member expenses reports

**What our priorities are and how we are doing**

This section provides information about our future plans and how well we’re performing.
i. **Business Plan**

ii. **Annual Reports**

iii. Annual Chief Ombudsman report (see [Annual Reports](#))

### How we make decisions

This section provides information about our decision making processes and consultations.

i. **Public consultations**

ii. **Responses to public consultations**

iii. Committee constitutions and terms of reference
   
   a. **Board**
   
   b. **Remuneration and Nomination Committee**
   
   c. **Audit and Risk Committee**

iv. Agreed minutes of meetings
   
   a. **Board**
   
   b. **Remuneration and Nomination Committee**
   
   c. **Audit and Risk Committee**

### Our policies and procedures

This section provides information about our more commonly requested policies and procedures:

i. **Service complaint procedure**

ii. **Our scheme rules**

iii. **Equality priorities and objectives**

iv. **Our governance documents**
Lists and registers

This section provides details of the various lists and registers of information we’re required to publish, either by law or by other external regulations: for example, any hospitality our senior staff may have received from third parties has to be listed.

i. Board members’ register of interests

The services we offer

This section provides access to general advice and guidance about our services: for example, booklets, leaflets and media releases.

i. Publications

ii. Summary of cases

iii. News and events
Environmental Information Regulations 2004

You have the right to see environmental information held by the Legal Ombudsman. You can ask for this by letter, email, telephone or in person.

Under the Regulations, environmental information is divided into six main areas:

1. **The state of the ‘elements of the environment’** - such as air, water, soil, land and fauna (i.e. animals, including human beings).

2. **Emissions and discharges** - noise, energy, radiation, waste and other such substances

3. **Measures and activities** - such as policies, plans and agreements affecting or likely to affect the state of the air, water, land, and so on (the elements of the environment).

4. **Reports, cost-benefit and economic analyses.**

5. **The state of human health and safety**, contamination of the food chain.

6. **Cultural sites and built structures** - where they could be affected by air pollution, the condition of the land or soil, and so on.

Any information held by the Legal Ombudsman that falls into any of these categories will be published and available on our website.

If you can’t find what you are looking for, or if you want to make a complaint about how we have handled a request for information under the Environmental Information Regulations, please contact our [Compliance Team](#).
Data Protection Act 1998

The Data Protection Act 1998 gives you the right to see any information the Legal Ombudsman holds about you personally, whether on paper or in electronic records.

‘Personal data’ is defined as data that relates to a living individual who can be identified from the information held by the ‘data controller’ (in this case, the Legal Ombudsman). It includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

We take great care with the personal information we hold. We therefore have to think carefully about what we disclose and who to.

Data protection principles

The Data Protection Act sets out eight ‘data protection principles’ or rules which everyone who controls personal data (‘data controllers’) must follow. According to these principles, the Information Commissioner says that personal data must, in their words, be:

- Processed fairly and lawfully.
- Obtained for specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.
- Adequate, relevant and not excessive in relation to those purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date.
- Processed in accordance with the rights of ‘data subjects’.

In addition, personal data must not be:

- Kept longer than is necessary for the purposes for which they are processed.
- Transferred outside the European Economic Area unless adequate protection for the data in the receiving state is ensured.
And we **must**:

- Take appropriate security measures to protect personal information, including preventing unauthorised disclosure.

**What information you are entitled to**

You have a right to ask us for the personal information or other data that we hold about you. This includes:

- a description of the data being used;
- what it’s being used for;
- who might see or use the information;
- where the data comes from, if this is known; and
- the identity of the data controller.

Please note that you are entitled only to see the information itself, not any documents or records in which it might appear.

Some of the information we hold may be exempt from the Data Protection Act. One example would be disclosing something that could interfere with or distort our work here – which is to provide an independent and impartial complaint handling service. We will write to you if we think such an exemption applies to your request, and we will explain our reasons.

If you want to make a complaint about how we have handled a request for information made under the Data Protection Act, please contact our **Compliance Team**.
Frequently asked questions

How up-to-date is the information on your website?

Most of the information on our website will be up-to-date and published as soon as it becomes available. But certain things can only be published after a short delay. For example, our Committee and Board minutes will be released only after they’ve been formally approved at a later meeting.

How long will you leave information on your website?

Information on our website will not be left there indefinitely, but we will keep things online for a reasonable period of time. Although we’re committed to providing the public with as much information as is practicably possible, it’s very important for us to keep published information up to date or to store it away in an archive after a while. This will keep our upfront information as relevant and fresh as possible without cluttering up the website and confusing our readers.

You can find out what’s kept in our archive by contacting our Compliance Team.

Can I get paper versions of the information I need?

All of the information we publish can be downloaded directly from the website, including anything relating to the Environmental Information Regulations 2004. If you’d like to receive a paper copy of any documents, please contact our Compliance Team, although there may be a charge for this service. Please see Do I have to pay?

Can I get any personal information you might hold about me?

If you want information that we might hold about you, please contact our Compliance Team and explain what you need. This is called a ‘subject access request’,” which means a request from someone for the information that’s being held about them. The Data Protection Act lays down exactly what we have to do to comply with your request.

Is information available in other languages?

In addition to our Welsh Language Scheme, we will provide a number of leaflets and other material in other languages where they relate to making a complaint about a lawyer. We will of course consider any reasonable request to translate our information into another language in order to help you. Please contact our Compliance Team to discuss your requirements.
Do you provide information in different formats to assist people with a disability?

Where information isn’t already available in electronic format, we will see if it can be provided in this form if asked to do so. We can also offer information in large print, Braille or on tape for blind or visually impaired users. And we can produce material on pastel coloured paper if you are dyslexic. There is no additional charge for this service. Please contact our Compliance Team to discuss any other formats you may need.

Can I have information that isn’t available from your web site?

Although we want to be open and transparent, we have to balance this with a duty to protect any personal and confidential information we hold about our investigations. The information gathered for investigations can only be disclosed in very specific circumstances, so the details we put on our website about any investigation is quite limited.

If what you want isn’t listed in our website publications, you can ask for it by writing to our Compliance Team.

How do I make a request for information?

Requests for personal information made under the Data Protection Act or the Freedom of Information Act should be submitted in writing to our Compliance Team. Requests for environmental information don’t need to be in writing but it’s helpful to everyone if they are, just to make sure there’s no misunderstanding about what you want.

Our ‘publication scheme’ has been designed to provide information about our policies, procedures and reports quickly and easily. The majority of the documents listed are available on this website and links are provided to help you find them. If you can’t see an online version of what you want, or the information isn’t listed at all, please write or send an e-mail to:

The Compliance Team
Legal Ombudsman
PO Box 6803
Wolverhampton
WV1 9WF

E-mail: compliance@legalombudsman.org.uk
When requesting information, please include the following details:

- your name and address;
- a description of the information or documents you would like to see;
- how you would like the information sent to you (for example, on paper, via email or on a computer disk).

Am I entitled to the Information?

Requests for information made under the Data Protection Act

Although we are committed to providing the information you have asked for, there may be occasions when your request results in so much work or expense for us that we can’t help you. If this appears to be the case, we will of course explain our reasons to you as soon as possible.

Requests for information made under the Freedom of Information Act

Where a large amount of information is being asked for, the Freedom of Information Act allows us to decide whether or not to issue the information you want. This is based on the time it would take us to gather the information. If this comes to more than 18 hours work for us (which, at £25 per hour would cost a total of £450), we don’t have to provide it to you.

A request requiring up to 18 hours work for us (costing us up to £450)

If we think it will take us up to 18 hours work to provide the information you want, we will issue the information unless the Freedom of Information Act tells us that we don’t have to. The Act details a number of situations where we don’t have to provide information, called ‘exemptions’. We always have to consider whether any of these exemptions apply to a request.

A request requiring more than 18 hours work for us (costing us over £450)

If we think it will take us more than 18 hours work to locate and recover the information you want, the Freedom of Information Act gives us two options. We can ether:

- decide not to process your request, or
- ask you to pay a fee for providing the information to you, worked out at £25 per person per hour
Either way, we will still tell you whether or not we hold the information you have asked for, unless to do this in itself will take more than 18 hours of work for us. We might also ask you to think about either slimming down or refocusing your request, in order to bring it within the 18 hour (£450) limit.

**Multiple requests**

Where separate requests for the same or similar information are received from different people who appear to be working together on something (as part of a campaign, say), the cost of complying with any one of them may be treated in the same way as dealing with all of them together.

For example, suppose we receive three related requests that would cost £400 each to process (in other words 16 hours work at £25 per hour). In certain circumstances, it will be right to treat them as a single request costing a total of £1,200 (i.e. £400 x 3) or 48 hours work. On this basis, we would be entitled to decide not to process them because the request has gone over our cost limit. If this appears to be the case, we will of course explain why we have decided to treat a request in this way.

**If we refuse a request for information or you appeal against a decision**

We won’t charge you if we decide not to provide any information. Nor will there be a charge if you appeal against such a decision, or against the charges we said we would have to make.

Where the information you ask for is already available in a priced publication, we will give you the details and tell you where you can get it.

**Requests for information made under the Environmental Information Regulations**

Under the Environmental Information Regulations, there isn’t a maximum limit on the time to gather the information, as in the Freedom of Information Act. But because of this it would help if you let us know us as soon as possible whether you have in mind a maximum amount that you’re prepared to spend. This will help us work out what information it’s possible to provide up to this amount.

If we feel your request for information is especially large or complicated, we may decide not to issue the information to you. We will of course explain why we have decided to treat a request in this way and also offer some advice on how you might reduce the size of your request.
Do I have to pay?

We don’t usually make a charge for information, but there may be times when we will ask for a fee to cover our costs before information can be issued to you. Further details about this are outlined below.

Requests for information made under the Data Protection Act – when would I pay a fee?

The fee we charge for a ‘subject access request’ – which is a request for information by the person whose details are held by us - is £10. Please note that you may have to pay another fee to get additional information on a different occasion, so it’s best to think about everything you think you are going to need at the start and ask for this straight away.

Please note that we won’t release any information until the payment has been received and ‘cleared’.

Requests for information made under the Freedom of Information Act – when would I pay a fee?

Before submitting an application for information, please check our website to see if what you want is already there, because this is free. Most other information is also usually provided free.

We are allowed to ask you to pay for the time it would take to process your request for information if it looks like it will take more 18 hours. Please see Am I entitled to the Information?

We are also entitled to cover our costs for supplying the information to you. This is sometimes referred to as ‘communication’ or ‘disbursement’ costs. If your request looks like it will trigger a fee, we will tell you by issuing what’s called a ‘Fees Notice’. It will then be up to you to decide if you want to carry on with your request.

Requests for information made under the Environmental Information Regulations – when would I pay a fee?

We may ask you to pay something to cover our ‘communication’ or ‘disbursement’ costs. We will work this out in the same way as Freedom of Information requests. (See Requests for Information made under the Freedom of Information Act – when would I pay a fee?)

How do you work out what the fee will be?

We base our calculation of fees on recommendations made by the Information Commissioner’s Office, as follows:
Postage and copying
Where the cost of postage, printing or photocopying is £10 or less, we won’t make a charge. If it looks like it will be more than this, we will ask you to pay for any costs over and above that first £10 (so, for example, if copying and postage are going to cost £15, we would ask you to pay £5). We will tell you how much it’s going to be before we produce the information. If you decide not to pay, we won’t process your request any further. And if you want to change your request so that the cost of, say, copying is less, we’d be happy to discuss that with you.

Our photocopying costs are 10 pence for each sheet of A4 in black and white (this is based on the Information Commissioner’s suggestion of a “reasonable charge”). Postage is usually charged at the current Post Office standard second class postage rate, unless you have asked for information that we think should be sent by more secure means (e.g. recorded or special delivery) or by courier.

How long will I have to wait?
When we receive your request, we will usually acknowledge receipt within five working days and then try to deal with it in line with the guidance outlined below. Please note, though, that documents that have to be converted into another language or format, for example Braille, may have to be processed for us by an external organisation. This could take longer than our target times for dealing with information requests. We will let you know if this is the case.

Requests for information made under the Data Protection Act (a ‘subject access request’)
We will respond as soon as possible and at the latest within 40 calendar days (that’s about six weeks) from the date you give us the details we need to get what you have asked for.

Please note that if we decide a fee is going to be charged, we won’t start work on your request until your payment has been received and ‘cleared’.

Requests for information made under the Freedom of Information Act
In most cases, we will respond as soon as possible and at the latest within 20 working days (that’s usually four weeks). The only exceptions would be if we are considering applying an exemption under the Freedom of Information Act. If we are doing this, we might reasonably extend the time limit. If we do this we’ll let you know in writing of this delay and also tell you when we’ll be able to respond in full.

Please note that if we decide a fee is going to be charged, we won’t start work on your request until your payment has been received and 'cleared'.
Requests for information made under the Environmental Information Regulations

In most cases, we will respond as soon as possible and at the latest within 20 working days (that’s usually four weeks). But if you have asked for a lot of information, or your request is complicated, we may reasonably extend the time limit to provide the information by a further 20 working days. If we do this we’ll let you know in writing of this delay and also tell you when we’ll be able to respond in full.

Please note that if we decide a fee is going to be charged, we won’t start work on your request until your payment has been received and ‘cleared’.

What happens if the information I’ve asked for can’t be provided?

Some of the information contained in a document you ask for may have to be withheld for one reason or another. If this is the case, the document will be clearly marked to show where information has been removed, and there will be a note outlining the reason for doing this (called an ‘exemption’). If we decide we can’t supply any of the other information you’ve asked for, we’ll write to you explaining why.

Will you need to consult anyone else about my request?

On occasions we may need to consult ‘third parties’ (including other public authorities) to see if we can release the information requested. **If you want us to tell you that we’ll be consulting a third party in this way, you should say so in your written application.**

If you have requested information which we believe is held by another public authority, it may be better for you to re-apply directly to them. Alternatively, we may think it best to transfer your request to another public authority ourselves. Where we decide to do this, we will first make sure they do actually hold the information you’ve asked for. **If you want to be told about any plans we may have to transfer your request for information to another public authority, you should say so in your written application.**
What if I’m unhappy with how you’ve dealt with my request?

If you’re dissatisfied with how we have responded to your request for information (including a decision to charge a fee), you can first discuss your concerns with the person who dealt with your request. If this informal discussion doesn’t sort things out for you, you can ask for a more senior member of staff to review your concern. If you would like someone to do this, please contact our Compliance Team by writing or sending an e-mail to:

The Compliance Team
Legal Ombudsman
PO Box 6803
Wolverhampton
WV1 9WF

E-mail: compliance@legalombudsman.org.uk

If this still doesn’t resolve things for you, you have the right to apply to the Information Commissioner for a decision as to whether we have dealt with your request for information in accordance with our legal responsibilities.

What is ‘legal professional privilege’?

‘Legal professional privilege’ stops certain communications between a professional legal adviser and their client being disclosed, even to a court of law. The emphasis here is on communications. For the purposes of the Freedom of Information Act, this means information rather than documents, so it can include spoken as well as written correspondence. Freedom of information is only concerned with ‘recorded information’. This means that spoken communications would not be disclosed unless they had been recorded.

The term ‘professional legal adviser’ includes a number of different types of legally qualified people, such as qualified solicitors, barristers and licensed conveyancers. Further information about ‘legal professional privilege’ can be obtained from the Information Commissioner’s Office by clicking here.