

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 7 March 2013

**Public Authority:** Office of Gas and Electricity Markets (Ofgem)

**Address:** 9 Millbank,  
London,  
SW1P 3GE

### **Decision (including any steps)**

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1. The complainant has requested information about British Gas and its Jupiter accounting system; to date he has not received a substantive response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

### **Request and response**

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3. On 9 June 2011, the complainant wrote to the public authority and requested information in the following terms:

'I would like to ask, under the Freedom of Information Act, for information regarding events at British Gas relating to the implementation of their "Jupiter" IT system contracted to Accenture. In all cases I am looking for information between July 2005 and July 2007 specifically regarding the failures of that system.

I require the following:

- What notifications did British Gas make to yourselves regarding the emergent failures of the "Jupiter" systems
  - What undertakings did British Gas make regarding these failures
  - What requirements did you impose in British Gas in relation to rectifying these failures.
  - Have you any confidentiality agreements with British Gas regarding this issue.'
4. The public authority acknowledged the FOI request on 22 June 2011 and acknowledged the chaser emails (sent by the complainant) on 12 August 2011, 27 September 2011 and 30 July 2012, but did not issue a response under FOIA.

### **Scope of the case**

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5. The complainant wrote to the Information Commissioner on 12 December 2012 to complain about the lack of a response from the public authority.
6. The Information Commissioner wrote to the public authority on 31 January 2013 (under case reference number FS50477138) asking that it issue a response to the complainant. To date no response has been forthcoming.

### **Reasons for decision**

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7. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
8. The Information Commissioner considered whether the public authority responded to the request of 9 June 2011 in line with the provisions of the FOIA.
9. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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10. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0116 249 4253  
Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

11. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
12. Any notice of appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Pamela Clements  
Group Manager – Complaints Resolution  
Information Commissioner’s Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**