

OFFICIAL INFORMATION ACT 1982

PART 5 - REVIEW OF DECISIONS

Decisions under Part 2 and section 10 of this Act

[28. Functions of Ombudsmen—

(1) It shall be a function of the Ombudsmen to investigate and review any decision by which a Department or Minister of the Crown or organisation—

- (a) Refuses to make official information available to any person in response to a request made by that person in accordance with section 12 of this Act; or
- (b) Decides, in accordance with section 16 or section 17 of this Act, in what manner or, in accordance with section 15 of this Act, for what charge a request made in accordance with section 12 of this Act is to be granted; or
- (c) Imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with section 12 of this Act; or
- (d) Gives a notice under section 10 of this Act.

(2) It shall be a function of the Ombudsmen to investigate and review any decision by which the permanent head of a Department or an officer or an employee of a Department authorised by its permanent head or a Minister of the Crown or an organisation extends any time limit under section 15A of this Act.

(3) An investigation and review under subsection (1) or subsection (2) of this section may be made by an Ombudsman only on complaint made to an Ombudsman in writing.

(4) If, in relation to any request made in accordance with section 12 of this Act, any Department or Minister of the Crown or organisation fails within the time limit fixed by section 15(1) of this Act (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with paragraph (a) or paragraph (b) of section 15(1) of this Act, that failure shall be deemed, for the purposes of subsection (1) of this section, to be a refusal to make available the official information to which the request relates.

(5) Undue delay in making official information available in response to a request for that information, shall be deemed, for the purposes of subsection (1) of this section, to be a refusal to make that information available.]