

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 June 2014

Public Authority: Camden and Islington NHS Foundation Trust
Address: St Pancras Hospital
4 St Pancras Way
London NW1 0PE

Decision (including any steps ordered)

1. The complainant requested information about a change to the Camden and Islington NHS Foundation Trust's ('the Trust') logo.
2. The Trust has now released information that the Commissioner considers fulfils the scope of the request. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold any further, relevant information.
3. The Commissioner notes that the Trust breached section 10 of the Act as it did not release all the relevant information that it held within 20 working days of receiving the request.

Request and response

4. On 29 October 2013, the complainant wrote to the Trust and requested information in the following terms:

"Under provisions in the Freedom of Information Act 2000 please provide me with full details of the design, selection, approval, implementation and costs of the Trust's new logo."
5. The Trust responded on 26 November 2013 and disclosed some information within the scope of the request – a paragraph that briefly summarised the process behind the logo's redesign, and the cost.
6. Following an internal review the Trust wrote to the complainant on 14 January 2014. It revised its original position and disclosed additional

information, providing a more detailed summary about the procurement, rationale, expected outcome and cost to the Trust of modifying its logo.

Scope of the case

7. The complainant contacted the Commissioner on 14 January to complain about the way their request for information had been handled.
8. The complainant had expected to receive particular documents related to their request and was not satisfied with the narrative the Trust had provided, in terms of its level of detail, information about dates and any additional costs. They also noted that in its internal review the Trust had said that its original decision was incorrect but did not explain in what way.
9. The Commissioner focussed his investigation on whether the information the Trust disclosed fulfilled the scope of the request.

Reasons for decision

10. Section 1 of the FOIA says a public authority must tell a requester whether or not it holds the information they have requested and, if it does, the authority must communicate that information to them.
11. Section 10 of the FOIA says that a public authority must comply with section 1 within 20 working days following the date it receives a request.
12. In its original response to the complainant on 26 November 2013, the information the Trust disclosed took the form of a short paragraph that summarised the rationale behind the change in logo, the process the designers undertook and provided the complainant with a figure of the cost involved. In its internal review, the Trust provided a more detailed explanation of the Trust's decision to review its logo and a more detailed summary of the design process, including the cost.
13. As the complainant noted however, the review had begun by saying that its original decision had been incorrect, without clarifying this statement. In the course of his investigation, the Trust had told the Commissioner that the author of the review had meant that the Trust had been wrong not to provide more information relating to one aspect of the request, which it had then addressed in the review. The Trust also confirmed

that there were no additional costs involved in the work to refresh its logo.

14. The Commissioner notes that the Trust had provided the complainant with a narrative summary of the process it had undertaken to modify its logo. It had told the Commissioner that it did not hold any other relevant information and, initially, the Commissioner was prepared to accept this. However, in view of paragraphs 20 – 21, the Commissioner went on to ask the Trust to consider whether it held any specific documents relating to the process, such as a business case, minutes of meetings or procurement documents.
15. The Trust told the Commissioner that, contrary to how the complainant had described it in their request, the Trust had not commissioned a “new logo”, it had refreshed its current one; adding a horizontal, green line and one or two other minor modifications.
16. The Trust said that, because it had simply ‘tweaked’ its existing logo and not gone through a more complex process of designing a completely new logo, it did not hold any written information relevant to the complainant’s request. This was because discussion about the logo had taken place through telephone conversations and in informal meetings with the designer. The Trust explained that the design process is often done face to face as it is easier to discuss design concepts in person or over the phone.
17. As a result of further questioning by the Commissioner, however, the Trust did identify that it held relevant information in a document relating to the cost of the logo’s modification. The Trust redacted third party personal data information and information not related to the complainant’s request, and released a copy of this document to the complainant on 19 May 2014, more than six months after having received the request.
18. The Trust confirmed to the Commissioner that it did not hold any further information within the scope of the complainant’s request and the Commissioner is satisfied that, on the balance of probabilities, this is now the case.

Other matters

19. Technically, section 1 provides a right of access to information rather than copies of documents. Similarly, section 11(1)(a) provides a right to request copies of the information, not copies of documents. This

means that neither section 1 nor section 11 provide an explicit right to receive copies of documents.

20. In most cases however, the only practicable way to communicate to a requester all the recorded information in a document (ie that over and above the actual wording, such as design, layout and style of writing) will be to provide a copy of the original.
21. In this case the Trust interpreted the request for 'details' literally and provided the complainant with narrative summaries of the process that it undertook to modify its logo. It effectively created new information to respond to the request, which is not a requirement of the FOIA. In addition, lack of detail in the first summary and unintentional ambiguities in the second, contributed to the complainant's dissatisfaction with the response.
22. The Commissioner notes that in this case the complainant had not requested copies of specific documents. However, when it handles requests for information in the future, the Commissioner suggests that the Trust considers whether an appropriate response might include identifying any existing relevant information that it holds in documents, and releasing copies of these to requesters, as appropriate. This may involve first clarifying the request with the requester which would fulfil the duty all public authorities have under section 16 of the FOIA to provide requesters with advice and assistance.

Right of appeal

23. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

24. 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.
25. 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
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