

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 November 2016

Public Authority: University Hospitals of Morecombe Bay
NHS Foundation Trust (the Trust)

Address: Springville House
Royal Lancaster
Infirmary
Ashton Road
Lancaster
LA1 4RP

Decision (including any steps ordered)

1. The complainant has requested information relating to a complaint he had made. The Trust failed to respond to this request for information within the statutory time for compliance.
2. The Commissioner considers that the Trust breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 9 September 2016 the complainant made the following request to the Trust:
 1. *Complete details of any investigation undertaken as a result of my complaint*
 2. *Minutes of any meetings that reference, discuss or otherwise touch upon my complaint*
 3. *Any conclusions, observations, recommendations or outcomes following any investigation that has been undertaken as a consequence of the complaint*

4. *Excluding correspondence I have sent to the Trust, any communication or correspondence related to the complaint, or generated as a result of the complaint. This to include, but not limited to, internal communication within the 'Trust', and communication/correspondence/discussion with the Diocese of Carlisle or its representatives*
5. The Trust responded to the request on 28 October 2016 and provided a further response on 4 November 2016.

Scope of the case

6. The complainant contacted the Commissioner on 12 October 2016 to complain about the way his request for information had been handled.
7. The Commissioner has considered whether the Trust dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

8. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

9. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him."*

10. The request was made on 9 September 2016 and a response was not provided until 28 October 2016. The Commissioner therefore finds that the Trust breached section 10(1) in failing to respond within 20 working days.

Right of appeal

11. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

12. 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.
13. 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

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF