

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 31 January 2019

Public Authority: NHS England
Address: 4N22 Quarry House
Quarry Hill
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant has requested information from NHS England about a staff 'away day' in Leeds on 20 September 2018. At the date of this notice, NHS England has not provided a response to the request.
2. The Commissioner's decision is as follows:
 - NHS England has breached section 10(1) of the FOIA as it has not provided a response to the request within 20 working days.
3. The Commissioner requires NHS England to take the following step to ensure compliance with the legislation:
 - Provide a response to the complainant's clarified request of 10 October 2018 that complies with the FOIA.
4. NHS England must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the 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

5. On 23 September 2018, the complainant wrote to NHS England and requested information in the following terms:

"Please advise of the total cost, broken down where possible by (i) travel and hotels, (ii) salary, (iii) venue and refreshments and (iv) other costs of the DAIS [Data, Analysis and Intelligence Service] away day held on 20th September 2018 in Leeds. Also how many NHS England employees attended the event, broken down by salary band?"
6. NHS England sought clarification from the complainant on 10 October 2018 which the complainant provided the same day. On 9 November 2018 NHS England wrote to the complainant to acknowledge that there would be a delay providing a response. It did not go on to provide a response.
7. The Commissioner wrote to NHS England on 10 December 2018 and instructed it to provide a response to the request within 10 working days. On 22 January 2019 the complainant advised the Commissioner that he still had not received a response.

Scope of the case

8. The complainant first contacted the Commissioner on 27 November 2018 to complain about the way his request for information had been handled.
9. The Commissioner's investigation has focussed on NHS England's obligation under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

10. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to him or her if it is held and is not exempt information.
11. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.

12. The complainant submitted his clarified request to NHS England on 10 October 2018 and to date has not received a response. NHS England has therefore breached section 10(1) with regards to this request.

Right of appeal

13. 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

14. 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.
15. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF