

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

### **Decision notice**

**Date:** 17 November 2022

**Public Authority:** London Ambulance Service NHS Trust  
**Address:** 220 Waterloo Road  
London  
SE1 8SD

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

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1. The complainant requested information about plans to develop reusable masks. By the date of this notice London Ambulance Service NHS Trust ("the Trust") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
  - the Trust must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Trust 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**

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5. On 15 May 2022, the complainant wrote to the Trust and requested information in the following terms:

- “1. What are the exact details of the plans that were being developed to replace the 3M Reusable Half Mask?
2. Who formulated these plans and who was responsible for implementing them?
3. What was the impetus for the ‘rapid action to prioritise this programme of work’?
4. Why had the plans not been progressed or implemented by Aug 2019, when it was known that the 3M 7500 Reusable Half Masks would be going out of date?
5. Why is it that FIT-testing for the replacement Type A- and Type-C FFP3’s didn’t start until mid-Dec 2019 (as per your response to Q12 of FOI 4126 of 21 Jun 2020)?
6. How many product recall notices have been issued by the LAS for items of PPE since Jan 2020?
7. What items of PPE were recalled, and for what reason (per item)?
8. How much did these recalls cost the LAS?
9. Did any of these recall notices result from failures recorded by LAS staff in DATIX reports?
10. What failures were recorded by LAS staff, per item?
11. What harm or injury occurred to LAS staff as a result of any such failures?”

6. To date, a substantive response to the request has not been issued.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 26 September 2022 to complain about the Trust’s failure to respond to their request.
8. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### **Reasons for decision**

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9. Section 1(1) of the FOIA states 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. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
11. On 4 October 2022 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
12. Despite this intervention the Trust has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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14. 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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. 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.
16. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**