

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 June 2022

Public Authority: Norfolk & Norwich University Hospitals
NHS Foundation Trust

Address: Colney Lane
Norwich
Norfolk
NR4 7UY

Decision (including any steps ordered)

1. The complainant made a request for information relating to total number of deaths at Norfolk & Norwich University Hospital. The Trust has failed to respond to the request.
2. The Commissioner considers that the Trust has breached section 10 FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the request in compliance with FOIA.
4. The public authority must take these steps 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 February 2022 the complainant made the following request for information under FOIA for:
 - "1. Total number of deaths that have occurred in laparoscopic cholecystectomy procedures between April 2018 and April 2020 at NNUH

2. Total number of deaths that have occurred in laparoscopic cholecystectomy procedures that have been referred to the coroner by the Trust between April 2018 and April 2020 at NNUH
3. Total number of deaths that have occurred in laparoscopic cholecystectomy procedures which were reported as died from 'pre-existing' conditions between April 2018 and April 2020 at NNUH
4. Total number of 'Serious Incidents' reported following laparoscopic cholecystectomy procedures between March 2018 and April 2020 at NNUH
5. Total number of 'Serious Incidents' reported involving 'General surgeons' between April 2018 and April 2020 at NNUH
6. Total number of Serious Incident Report investigations into deaths following surgery by 'General Surgeons' between April 2018 and March 2020 (details to include the Levels of the investigation ie Level 1, Level 2 or Level 3) at NNUH
7. Total number of deaths following surgeries carried out by [name redacted] between April 2018 and April 2020."
6. The Trust has failed to provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 3 May 2022 and asked him to investigate whether the Trust had complied with section 10 FOIA in the handling of this request.
8. The Commissioner has considered whether the Trust complied with section 10 FOIA in this case.

Reasons for decision

Section 10

9. 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."

10. 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."

11. The request was made on 23 February 2022 and the Trust has failed to respond to the request. This is despite the Commissioner contacting the Trust on 14 May 2022 to remind it of its obligations under FOIA to respond to the request. The Commissioner therefore finds that the Trust breached section 10(1) FOIA in failing to provide a response to this request.

Right of appeal

12. 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@Justice.gov.uk

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

13. 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.
14. 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