

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 February 2023

Public Authority: Guy's and St Thomas' NHS Foundation Trust
Address: St Thomas' Hospital
Westminster Bridge Road
London
SE1 7EH

Decision (including any steps ordered)

1. The complainant has requested information about guidance on medical students. The above public authority ("the public authority") provided some information but the complainant believes more is held.
2. The Commissioner's decision is that the public authority has provided all the information it holds in recorded form. The public authority breached section 10 of FOIA by providing information outside the 20 working day timeframe.
3. The Commissioner does not require further steps.

Request and response

4. On 26 May 2022, the complainant wrote to the public authority and requested information in the following terms:

"Please provide me with copies of your guidance, policies and procedures concerning medical students observing patients' appointments."
5. The public authority responded on 21 June 2022. It provided some national guidance and stated that this was the only recorded information it held. It provided some further national guidance following an internal review but the complainant was not satisfied that this was all that was held.

Reasons for decision

6. Where there is a dispute over the amount of information a public authority holds, the Commissioner is only required to decide whether the public authority is more likely than not to hold additional information beyond that already identified.
7. The Commissioner identified two areas where it seemed likely that the public authority might be expected to hold additional information.
8. First he asked the public authority whether it held any of its own local guidance which supplemented the national guidance. The public authority confirmed that it did not produce its own guidance.
9. Second, the Commissioner noted that patients have a right to opt out of having a medical student present during a consultation or treatment. It would be difficult for patients to exercise such a right meaningfully unless they were aware of it. Therefore the Commissioner asked whether the public authority had any leaflets or signage that it provided or displayed to patients informing them that they had a right to opt-out. The public authority responded to say that it had no such material and that patients were informed of their rights verbally.
10. It is not the Commissioner's responsibility to determine whether a public authority ought to hold further information, or whether the information it does hold is adequate for the purpose it serves. His only role is to determine whether the public does, as a matter of fact, hold further information in recorded form.
11. In this case, the Commissioner is satisfied that, on the balance of probabilities, the public authority has provided all the recorded information it holds.
12. The public authority breached section 10 of FOIA by providing information outside the 20 working day timeframe.

Other matters

13. The Commissioner notes that it took the public authority six months (and his own intervention) to complete its internal review. He considers this to be poor practice.

Right of appeal

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

Website: 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

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