

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

### **Decision notice**

**Date:** 3 January 2023

**Public Authority:** NHS Business Services Authority

**Address:** Stella House  
Goldcrest Way  
Newcastle upon Tyne  
NE15 8NY

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

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1. The complainant requested information from NHS Business Services Authority about correspondence between the English Infected Blood Support Scheme and the Department of Health and Social Care.
2. The Commissioner's decision is that NHS Business Services Authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

#### **Request and response**

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3. On 22 August 2022, the complainant made the following request for information:

" Please provide copies of all email correspondence between the English Infected Blood Support Scheme and DHSC regarding interim infected blood compensation payments during the period 1st Aug 2022 - 20th Aug 2022."

4. NHS Business Services Authority responded to the request for information on 7 December 2022.

#### **Scope of the case**

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5. The complainant contacted the Commissioner on 1 December 2022 to complain about NHS Business Service Authority's failure to respond to their request within the statutory time frame of FOIA.
6. The Commissioner has considered whether the NHS Business Service Authority has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

### **Reasons for decision**

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7. Section 1(1) of 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."
8. Section 10(1) of 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".
9. From the evidence provided to the Commissioner in this case, it is clear that NHS Business Service Authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that NHS Business Service Authority has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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10. 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)

11. 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.
12. 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**