

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

### **Decision notice**

**Date:** 13 June 2023

**Public Authority:** London Ambulance Service NHS Trust

**Address:** 220 Waterloo Road  
London  
Greater London  
SE1 8SD

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

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1. The complainant asked what was the breakdown of PPE by type to be carried by each ambulance prior to January 2020. By the date of this notice the London Ambulance Service had not issued a substantive response to this request.
2. The Commissioner's decision is that the London Ambulance Service has breached section 10(1) of 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 London Ambulance Service to take the following step to ensure compliance with the legislation.
  - The London Ambulance Service must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The London Ambulance Service 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 FOIA and may be dealt with as a contempt of court.

#### **Request and response**

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5. On 23 March 2023, the complainant wrote to the London Ambulance Service and requested information in the following terms:

"In FOI 4176 of 28 Jul 2020, I asked what was the breakdown of PPE by type to be carried by each ambulance prior to late-Jan 2020 (Q200? The answer provided detailed that there is an agreed ambulance packing list for PPE. This response did not satisfactorily answer my question. Therefore:

1. On what date was the first/initial agreed ambulance packing list for PPE adopted by the LAS?
2. Who was consulted with regards this agreed ambulance packing list for PPE?
3. In what format was this packing list detailed, and can I have a copy of it?
4. What was the exact breakdown of PPE by item and number per vehicle on the first/initial agreed ambulance packing list for PPE?
5. How and when has this agreed ambulance packing list for PPE changed over time?
6. What are the details of the agreed ambulance packing list for PPE as was being used in late-Jan/early-Feb 2020?
7. In what format was this packing list detailed, and can I have a copy of it?
8. What is the exact breakdown of the PPE by item and number per vehicle, as of late-Jan/early-Feb 2020?
9. What was the process for issuing of Type-A and Type-C FFP3 masks to LAS staff as of late-Jan/early-Feb 2020?
10. Were the Type-A and Type-C FFP3 masks issued per staff member or per ambulance as of late-Jan/early-Feb 2020?
11. How many of these masks were issued per staff member or per ambulance as of late-Jan/early-Feb 2020?
12. On what date were FFP2 masks first made available on the ambulances?
13. How many FFP2 masks were available per ambulance?

The first mention of Fluid Repellant Surgical Masks or FRSMs/surgical masks in guidance to LAS staff appears to be in MDB251 of 07 Feb 2020. Therefore:

14. On what date were FRSMs first ordered by the LAS?
  15. On what date were FRSMs first made available on ambulances
  16. How many FRSMs were made available per ambulance?"
6. The London Ambulance Service contacted the Commissioner on 9 May 2023 and claimed to never have received the request of 23 March 2023 but explained that it had received previously submitted versions of the same request which hadn't been responded to as they "slipped through the net". The Commissioner is satisfied that the request of 23 March 2023 was sent to a valid address for this public authority and he has seen a copy of the email. To date, a substantive response has not been issued.

### **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. On 4 May 2023 the Commissioner wrote to the London Ambulance Service, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the London Ambulance Service has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the London Ambulance Service did not deal with the request for information in accordance with FOIA. The Commissioner finds that the London Ambulance Service 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 FOIA.

## Right of appeal

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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: 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)

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 .....**

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