

IC-258973-K6C3 Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 October 2023

Public Authority: General Dental Council
Address: 37 Wimpole Street
London
W1G 8DQ

Decision (including any steps ordered)

1. The complainant requested information from the General Dental Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;
[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 24 July 2023, the complainant wrote to the public authority and requested information in the following terms:

"Regarding the unredacted copy of the Overall Weighting Model - Investigation Services that was sent to me on 9th September 2022. Please can you answer the following questions from within the section entitled Quality Scoring?

1 - Please give me full details of what the GDC's needs were and their specific requirements for the aforementioned contract. In addition to this, please give me full details of the specific answers given to the GDC from the five listed investigation companies regarding these needs and requirements.

2 - Please give full details of what the GDC meant when they asked for evidence from the companies of their ability to exercise good judgement and also, to take decisions on unexpected problems that could have a significant impact on cases. In addition, please give full details of any communication from the five companies seeking clarification regarding this task. In addition to this, please give full details of the five companies substantive responses in relation to said task.

3 - Please give full details of the five companies responses, and also, full details of the GDC's scoring exercise for the following task - Evidence of the tenderer's ability to apply critical reasoning and questioning skills to identify when further investigation and evidence gathering is required.

4 - Regarding subsequent real investigatory work carried out by the successful tenderer as instructed by the GDC, please give (redacted if required) full details of how the aforementioned weighting model tasks were applied to information received from said company for this information, and in addition, any instances where such investigated information had a material effect on the outcome of subsequent FTP cases."

Reasons for decision

6. 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."

7. 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".
8. On 26 September 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. Despite this intervention the public authority has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

11. 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

12. 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.
13. 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
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