

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 May 2024

Public Authority: University College London Hospitals NHS Foundation Trust

Address: 250 Euston Road
London
NW1 2PG

Decision (including any steps ordered)

1. The complainant has requested information from University College London Hospitals NHS Foundation Trust (the trust) relating to the cost of High-Intensity Focussed Ultrasound (HIFU) treatment. By the date of this notice, the trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the trust has breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time limit of 20 working days.
3. The Commissioner requires the trust to take the following step to ensure compliance with the legislation:
 - the trust must provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.¹
4. The trust must take this step within 30 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, particularly when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 5 January 2024, the complainant made the following request for information to the trust:

"Please supply the total Cost to the University College London Hospitals NHS Foundation Trust associated with HIFU Treatment using current rates under the following headings in pdf format under the Freedom of Information Act:

- 1) The cost of an MRI scan, including radiologists time in scanning/analysis/reporting?
 - 2) The cost of a transperineal prostate biopsy, including; hospital bed, theatre and ward staff, drugs and consumables, radiologists time in analysis/reporting?
 - 3) How many Sonablate 500 devices do the Trust own or lease on a fee-for-use basis from the manufacturer and what are the purchase or lease costs for each device as applicable?
 - 4) The cost in use of the Sonablate 500 device for a partial ablation procedure including device preparation, drugs and consumables, maintenance, hospital bed, theatre and ward staff costs?
 - 5) The cost of a PSA blood test?
 - 6) The cost of a PET scan, including; radiologists time in scanning/analysis/reporting.
 - 7) The hourly cost for patient consultation by a consultant urologist?"
6. The trust acknowledged receipt of the request on 8 January 2024 and provided the complainant with a reference number for their request.
7. The trust responded to the complainant on 2 February 2024 requesting some clarification to proceed with processing the request. The trust asked the complainant to confirm whether the charge they were referring to in their request was for NHS costs, private costs, or both.
8. The complainant responded to the trust on 5 February 2024, confirming that they would like NHS costs only.

9. The trust acknowledged receipt of the complainant's clarification on 5 February 2024.
10. The complainant followed up their request with the trust on 5 March 2024.
11. To date, the complainant has not received a response to their request for information.

Reasons for decision

12. 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."

13. 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".
14. On 17 April 2024, the Commissioner wrote to the trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
15. Despite this intervention, the trust has failed to respond to the complainant.
16. From the evidence provided to the Commissioner in this case, it is clear that the trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the trust 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

17. 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

18. 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.
19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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