

**FREEDOM OF INFORMATION ACT 2000 (SECTION 50)**

**DECISION NOTICE**

**Dated 4<sup>th</sup> October 2005**

**Name of Public Authority: Sherwood Forest Hospitals NHS Trust**

**Address of Public Authority: King's Mill Hospital  
Mansfield Road  
Sutton in Ashfield  
Nottinghamshire  
NG17 4JL**

**Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 1<sup>st</sup> January 2005 the following information was requested from Sherwood Forest Hospitals NHS Trust under section 1 of the Freedom of Information Act 2000 (the "Act"):

'...copies of all ... documents or records ..., produced after 1<sup>st</sup> April 2003, relating to policies concerning the transport of patients to the Accident and Emergency Department of Newark Hospital.'

It is alleged that:

1. Sherwood Forest Hospitals NHS Trust failed to provide the requested information within 20 working days, and
2. Failed to provide all of the requested information to the Complainant.

**The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision partly upholds the complaint and is as follows:

1. In failing to provide a full written response to the complainant's request, which had been received on 5<sup>th</sup> January 2005, until the 17<sup>th</sup> February 2005, Sherwood Forest Hospitals NHS Trust has not complied with section 10(1) of the Act.

Section 10(1) of the Act states:

'...a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.'

2. The complainant believes that Sherwood Forest Hospitals NHS Trust failed to provide all the information requested. However, the complainant has been unable to elaborate on what information had allegedly been withheld. Sherwood Forest Hospitals NHS Trust understood the complainant to be referring to incident report forms which are produced by East Midlands Ambulance Services NHS Trust. However, the Commissioner was informed that such forms were not held by the Sherwood Forest Hospitals NHS Trust at the time the request was made. The Commissioner is satisfied that Sherwood Forest Hospitals NHS Trust has provided the information held, under the terms of the Act, in relation to this information request in accordance with section 1(1) of the Act.

### **Action Required**

The Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by Sherwood Forest Hospitals NHS Trust.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester, LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 4<sup>th</sup> day of October 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF