



FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 23 March 2006

Name of Public Authority: West Gloucestershire Primary Care Trust

Address of Public Authority: Unit 14 Highnam Business Centre
Newent Road
Highnam
Gloucestershire
GL2 8DN

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint from the above persons (the "Complainants") which states that on 6 January 2005 the following information was requested from West Gloucester Primary Care Trust ("PCT") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"We would like a catalogue of all documentation you hold in connection with our application for review – this should include all communications made either internally or externally with any relevance to the review. Should this include any documentation which you consider you may not disclose then please indicate in each case the nature of the documentations and the reason for non-disclosure. With respect to the Panel Hearing at which our application was considered: we would like to know how many applications were dealt with at the Hearing and the start and end time of the Hearing. Would you also please provide us with a statement of precisely what documents were made available to the Panel in connection with the review and on what date these were made available to the members of the Panel."

Following the release of a list of documentation, subsequent requests were made for data from the list. The Decision Notice addresses the response by the PCT to the initial request only

It is alleged that:

The PCT failed to provide the information within the statutory time limits set down under the Act. It has also failed to provide any good reason why it did not do so.

Relevant statutory obligations under 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”.

Review of the case

The Complainants submitted their request to the PCT by email on 6 January 2005. The PCT advised the Commissioner that it acknowledged the Complainants' request by email on 7 January 2005. The PCT responded in writing on 14 March 2005. The PCT's response included all the information requested, except one item that was excluded in error; the PCT confirmed this item a short time later.

The Commissioner notes that the Complainants made further, stand-alone requests but these other requests are not dealt with in this Decision Notice. However, in his investigation of this matter, the Commissioner considered these further requests and the responses.

The PCT has confirmed that all documentation that it holds has been released to the Complainants and has reaffirmed to the Commissioner that it does not hold any information on file relating to the individual concerned or the review of his care that has not been shared with the Complainants.

The Commissioner's Decision

Under section 50 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 PCT neither informed the Complainants whether it held the information and provided a copy of it nor issued a refusal notice to the Complainants within the statutory time limit of 20 working days.

Ref. FS50082412

The Commissioner's decision is therefore that the PCT has not dealt with the Complainant's request in accordance with the following requirements of the Act:

Section 10(1) – in that it exceeded the statutory time limit for responding to a request made under section 1(1).

Action Required

As the PCT has advised the Commissioner that it has now provided all the information to the Complainants, the Commissioner hereby gives notice that he does not require any remedial steps to be taken by West Gloucester Primary Health Care Trust.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "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: informationtribunal@dca.gsi.gov.uk
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 23rd day of March 2006

Signed:

Phil Boyd
Assistant Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF