

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 December 2011

**Public Authority:** The Mid Yorkshire Hospitals NHS Trust

**Address:** Trust Headquarters  
Pinderfields Hospital  
Aberford Road  
Wakefield  
WF1 4DG

### Decision (including any steps ordered)

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1. The complainant has requested information about a PFI scheme referenced by the audit committee of the Mid Yorkshire Hospitals NHS Trust (the Trust) in the minutes of its meeting of 9 May 2011.
2. The Information Commissioner's (the Commissioner's) decision is that the Trust did not deal with the request for information in accordance with the FOIA in the following way:
  - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation:
  - to respond to the request in accordance with the requirements of the FOIA.
4. The Trust must take these steps 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 9 June 2011 the complainant made the following information request to the Trust. This was in respect of minutes of 9 May 2011 from the Trust audit committee which referenced a PFI scheme:

*'The minutes from the trust audit committee on May 9 makes reference to an issue with the PFI scheme: 009.00/11*

### *Progress report*

*[Name 1 redacted] advised that the audit field work commenced on 26<sup>th</sup> April 2011. Audit work to date had been focused on non-current assets and key areas of estimates and judgements. [Name 1 redacted] advised a meeting had taken place between himself, [name 2 redacted] and [name 3 redacted] where these matters were discussed e.g. **PFI issue Pontefract & Pinderfields Hospitals of £4m & £1m and the likelihood of challenge by the PFI contractor was discussed.***

*Please supply me with:*

- The minutes from the meeting between [name 1 redacted], [name 3 redacted] and [name 2 redacted] where it states this issue was discussed.*
  - Any other reports which make reference to the amounts stated in bold and a challenge or possible challenge by the contractor.*
  - All written correspondence between Mid Yorks Trust and the contractor in respect of this issue.*
  - A written explanation of the passage highlighted in bold.'*
6. The Trust has not responded to this request.

## Scope of the case

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7. The complainant contacted the Commissioner to complain about the Trust's failure to respond to the request.

## Reasons for decision

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8. Section 10(1) of the FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.

9. Despite the Commissioner's intervention, the Trust has not responded to the complainant's request for information or conducted an internal review.
10. From the information provided to the Commissioner in this case it is evident that the Trust did not respond to the complainant within the statutory time frame.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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 .....**

**Faye Spencer**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**