

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 03 September 2012

**Public Authority:** University College London Hospitals NHS Foundation Trust (UCLH)

**Address:** Trust Ground Floor Rosenheim Wing  
Grafton Way  
London  
WC1E 6DB

#### **Decision (including any steps ordered)**

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1. The complainant has requested the email address of UCLH's legal department. UCLH explained that it does not have a legal department and therefore does not hold such an email address.
2. The Commissioner's decision is that UCLH does not hold the requested information.
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 18 February 2012, the complainant wrote to UCLH and requested information in the following terms:

"By way of explaining exactly my request herein I attach hereto three court judgements. Two from the Court of Appeal and one from the High Court Queen's Bench Division:-

London Borough of Islington v University College London Hospital NHS Trust [2005]

Lillywhite & Anor v University College London Hospital NHS Trust [2005]

Birch v University College London Hospital NHS Trust [2008]

You will see that in all three cases counsel for "University College London Hospital NHS Foundation Trust" were instructed by the firm of solicitors "Hempsons".

I hope you will appreciate that the said firm Hempsons did not instruct themselves in the cases.

Please provide me with the email address of the department (or person/s) which instructed the firm Hempsons."

5. UCLH responded on 15 March 2012. It explained that it did not have a legal department and that the NHS litigation Authority handles claims, such as those referred to by the complainant, on its behalf. It explained that it did however have a claims department for claims concerning clinical treatment or personal injury to staff or visitors. It provided the relevant contact details of this department to the complainant.
6. The complainant however wanted to obtain an email address specifically for UCLH's legal department and therefore asked UCLH to conduct an internal review. Following an internal review UCLH wrote to the complainant on 5 April 2012. It reiterated that it did not have a legal department and so it did not hold an email address for a specific legal department. It said it had provided the complainant with all information it held relevant to the scope of the request.

### **Scope of the case**

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7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant considers that UCLH must have a legal department and therefore must hold an email address for this department. The Commissioner has therefore considered whether UCLH holds an email address for a specific legal department.

### **Reasons for decision**

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8. Section 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."

9. In this case UCLH has confirmed to the Commissioner that it does not have a legal department and therefore does not hold an email address for a legal department. It confirmed that the NHS Litigation Authority handles claims, such as those referred to by the complainant, on UCLH's behalf. It explained that litigation, in relation to the NHS, is dealt with in a very specific way which is explained on the NHS Litigation Authority's website. A link to which was provided to the complainant.
10. The Commissioner must be satisfied, on the balance of probabilities, that the requested information is not held. In this case UCLH has confirmed that it does not have a specific legal department and that the NHS Litigation Authority deals with claims, such as those referred to by the complainant, on its behalf. The Complainant considers that UCLH must have a specific legal department and therefore must hold an email address for that department. Taking all of the above into account, the Commissioner considers that on the balance of probabilities UCLH does not hold an email address for a specific legal department.

## 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 .....**

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**