

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 December 2012

Public Authority: NHS Luton

Address: The Lodge
4 George Street West
Luton
LU1 2BJ
PE19 7GG

Decision (including any steps ordered)

1. The complainant has requested information relating generally to the use of 084 numbers in the NHS. The Commissioner's decision is that NHS Luton breached section 10(1) of FOIA by providing its response outside of the statutory time limit of 20 working days. The Commissioner does not require NHS Luton to take any action as a result of this notice.

Request and response

2. On 5 May 2012 the complainant wrote to NHS Luton and requested information in the following terms:

"[...]

I wish to make a Freedom of Information Act request for all documents that you hold:

- *relating to your contract with the Medici Medical Practice and any correspondence with it over 0844 numbers, and*
- *relating to the use of 084 numbers in the NHS, including documents issued by the Department of Health, and your correspondence on the subject with local practices and the Luton and Dunstable Hospital (which still uses some 084 numbers)."*

3. On 16 May 2012 NHS Luton acknowledged the request, confirming that it had been received on 10 May 2012.
4. The complainant contacted the Information Commissioner on 27 June 2012 to bring to his attention the failure of NHS Luton to respond to his request. Following the involvement of the Commissioner, and it seems further reminders from the complainant, NHS Luton provided its substantive response on 30 August 2012.
5. The complainant contacted NHS Luton again later the same day and advised that it had not enclosed all of the relevant papers associated with the request. This information was subsequently received from NHS Luton on 22 October 2012.

Scope of the case

6. The complainant contacted the Commissioner on 6 November 2012 to ask the Commissioner to record the failure of NHS Luton to comply with the procedural requirements of FOIA in its handling of the request.

Reasons for decision

7. Section 10(1) of FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
8. In this case NHS Luton acknowledged receipt of the request but did not manage to provide its response within the statutory timeframe. The Commissioner has therefore found that it breached section 10(1) of FOIA.

Right of appeal

9. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

10. 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.
11. 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

Rachael Cragg
Group Manager
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SK9 5AF