

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 August 2013

Public Authority: NHS Commissioning Board
Address: Southside
105 Victoria Street
London
SW1E 6QT

Decision (including any steps ordered)

1. The complainant requested copies of all procedures for handling Freedom of Information requests.
2. The Commissioner's decision is that the public authority did not deal with the request in accordance with the FOIA. This is because the public authority provided its response outside the statutory 20 working days and it has therefore breached section 10(1) of the FOIA.
3. As the requested information was provided during the course of the investigation, the Commissioner does not require any steps to be taken.

Request and response

4. On 12 April 2013, the complainant requested information in the following terms:

'Please provide copies of all internal policies, procedures, protocols and guidance for staff on handling Freedom of Information Act and Environmental Information Regulations requests. This should include any documents relating to the receipt, handling and processing of requests, documents relating to the consideration of whether information is exempt from disclosure, and documents relating to dealing with requests for internal reviews.'

Scope of the case

5. On 7 July 2013, the complainant contacted the Commissioner to complain about the lack of a response. On 17 July 2013 the complainant stated that NHS had disclosed this information to him.

Reasons for decision

6. Section 10 of the FOIA provides that a public authority should respond to a request for information within 20 working days. The Commissioner has found a breach in this case because the public authority did not respond within 20 working days.

Right of appeal

7. 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

8. 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.
9. 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