

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

### **Decision notice**

**Date:** 30 September 2013

**Public Authority:** North Bristol NHS Trust

**Address:** Information Management & Technology  
Data Centre  
Southmead Hospital  
Bristol  
BS10 5NB

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

1. The complainant made two requests for information concerning works on Selkirk Road.
2. The Commissioner's decision is that North Bristol NHS Trust (the Trust) did not deal with the request in accordance with the FOIA. This is because the public authority provided its responses outside the statutory 20 working days and it has therefore breached section 10(1) of the FOIA.
3. As the requested information has now been provided during the course of the investigation, the Commissioner does not require any steps to be taken.

#### **Request and response**

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4. On 11 October 2012, the complainant wrote to the Trust and requested information concerning the use of Selkirk Road by the building contractors. On 16 October 2012 the Trust explained that it would forward the FOIA request to the appropriate department.
5. On 19 December 2012 NHS South Gloucestershire wrote to the complainant, confirming that the FOI request had been forwarded to them. They provided a response on 10 January 2013.
6. On 19 December 2012 the complainant wrote to the Trust to question the contact from NHS South Gloucestershire. On 20 December 2012 the Trust apologised and explained that although the Trust had looked into the FOI request, it transpired that the information was held with NHS South Gloucestershire and had forwarded the request to them on 19 December 2012.

7. On 9 April 2013 the complainant made a second FOIA request to the Trust concerning the detailed plan and schedule of the work to be carried out on Selkirk Road as well as a planned date for the completion of the work.

### **Scope of the case**

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8. On 24 July 2013 the complainant contacted the Commissioner to complain about the handling of the requests. The Commissioner contacted the Trust on 22 August 2013. During the investigation the Trust sent a response to the complainant's second request on 12 September 2013.

### **Reasons for decision**

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9. 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.
10. The Trust did not respond to the requests within the statutory time limit. The Commissioner has therefore found that the Trust breached section 10(1) of FOIA.

### **Other matters**

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11. Although they do not form part of this decision notice, the Commissioner would draw the Trust's attention to the following points.
12. When transferring FOI requests to another authority, the Code of Practice on the discharge of public authorities' functions under Part 1 of the FOIA (issued under section 45) recommends certain actions under Part III paragraphs 16 – 20. ([Section 45 Code of Practice](#) ) Based upon the evidence before the Commissioner the Trust did not inform the complainant that the Trust did not hold the information for the first request and did not advise him that the request was being transferred to another authority.
13. Also, the Trust has not acted upon the Commissioner's correspondence of 22 August 2013 asking it to respond within ten workings days.

The Commissioner would expect that in the future the Trust will ensure that requests for information are dealt with in a way which would not conflict with any of the provisions of the FOIA.

**Right of appeal**

- 14. 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)

- 15. 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.
- 16. 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**