

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 January 2014

Public Authority: Health Research Authority (HRA)

Address: Skipton House
80 London Road
London
SE1 6LH

Decision (including any steps ordered)

1. The complainant has requested disclosure of the documentation indicating the legal and temporal parameters which would guide the HRA in making its distinction between what you may or may not legitimately raise with the organisation. The HRA said that it does not hold the requested information.
2. The Commissioner considers that the HRA was correct to confirm that it did not hold the requested information under section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires no steps to be taken.

Request and response

4. On 13 August 2013, the complainant wrote to the HRA and requested information in the following terms:

"Disclosure of the documentation indicating the legal and temporal parameters which would guide the HRA in making its distinction between what you may or may not legitimately raise with the organisation."
5. On 22 August 2013 the HRA responded. It denied holding the requested information.

6. The complainant requested an internal review on 27 August 2013. The HRA sent the outcome of its internal review on 13 September 2013. It upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 22 October 2013 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether or not the HRA holds the requested information.

Reasons for decision

9. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request".
10. The HRA confirmed that the requested information is not held. It said that the request is a hypothetical question and it is a management judgement. It clarified that no documentation is, or has previously been, held which relates to the request.
11. The complainant has not provided the Commissioner with evidence to support the position that the requested information is held.
12. Given the wording of the request and the HRA's confirmation that it has never held the requested information, the Commissioner considers that on the balance of probabilities the requested information is not held.

Right of appeal

13. 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: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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
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SK9 5AF