

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 02 June 2014

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

Decision (including any steps)

1. The complainant has requested the correspondence on GP registration and to date she has not received a response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Information Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Background

3. The complainant is a resident in South Herefordshire, England and used to be registered with a Welsh GP. She withdrew from the practice in protest after she was told she could only be referred to hospitals in Wales and not the nearer Hereford (English) hospital.

Request and response

4. On 14 January 2014, the complainant wrote to the public authority and requested information in the following terms:

'Please send me copies of the entire correspondence relating to my healthcare between yourself, NHS England, Arden, Herefordshire and Worcestershire and the GP practice at The Surgery, Much Birch, Hereford, HR2 8HT to include records of any telephone conversations.'

5. On 16 January 2014 the public authority acknowledged the response to the complainant and allocated a reference number but did not issue a response.
6. The complainant wrote to the Information Commissioner on 1 May 2014.
7. The Information Commissioner wrote to the public authority on 9 May 2014 asking that it issue a response to the complainant within 10 working days. To date no such response has been forthcoming.

Reasons for decision

8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Right of appeal

10. 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

11. 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.
12. 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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF