

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

### **Decision notice**

**Date:** 24 August 2015

**Public Authority:** Cardiff and Vale University Health Board

**Address:** University Hospital of Wales  
Heath Park  
Cardiff  
CF14 4XW

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

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1. The complainant requested information about hospitals and units that treat patients whose main role is not the treatment of patients. Cardiff and Vale University Health Board ('the Health Board') failed to respond within the statutory 20 working days prescribed by FOIA. The Commissioner's decision is that the Health Board breached section 10(1) of the FOIA as it did not respond to the request within the timescale for compliance. As a substantive response has been provided to the complainant, he does not require any remedial steps to be taken.

#### **Request and response**

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2. On 1 April 2015, the complainant wrote to the Health Board and requested information in the following terms:

"Back in November the Chief Executive of the Cardiff and Vale University LHB stated that 'The main role of the Dental Hospital is to provide teaching to the dental students and the training of junior NHS staff'.

Could I have

- (a) a list of those LHB facilities (hospitals and units within hospitals), that treat patients whose main role is not the treatment of patients (or which have been described as having some other main role by Mr Cairns)
- (b) how much each of these facilities cost the LHB on an annual basis

I appreciate that a full figure for (b) may not be readily available but I would be grateful if you could explain what any figure you have includes/excludes (i.e. capital expenditure, depreciation, an allocation of central costs etc.)

I would like this treated as a Freedom of Information request and provide a response in hard copy”.

3. The complainant wrote to the Health Board on 12 and 20 May 2015 regarding its failure to respond to the request.
4. The Health Board acknowledged the request on 20 May 2015 and confirmed that it was in the process of preparing a response which would be sent in hard copy format.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 10 June 2015 to complain about the way his request for information had been handled.
6. The Commissioner wrote to the Health Board on 6 July 2015 reminding it of its obligations under the FOIA and asked it to respond to the request within 10 working days.
7. The Health Board responded to the request on 27 July 2015.
8. The complainant contacted the Commissioner on 31 July 2015 to request that he issue a decision notice in respect of his complaint.
9. In light of the above, the Commissioner considers the scope of the case will be to determine whether the Health Board handled the request in accordance with the FOIA. Specifically, the Commissioner has considered whether the Health Board breached section 10(1) of the FOIA.

### **Reasons for decision**

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#### **Sections 1 and 10**

10. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a

reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.

11. The Health Board explained that the delay in responding to the request was due to a misunderstanding between the departments which have been dealing with other issues that the complainant has raised. The delay was also compounded by the fact that the response was ready to be issued on 4 June 2015 but it was not sent.
12. In this case the Health Board failed to respond to the request within the 20 working day timescale. By not complying with section 1(1) within twenty working days of receipt of the request, the Health Board breached section 10(1) of the FOIA.

## Right of appeal

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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: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Anne Jones**  
**Assistant Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**