

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 May 2017

Public Authority: Homerton University Hospital NHS Foundation Trust (the Trust)

Address: Homerton Row
London
E9 6SR

Decision (including any steps ordered)

1. The complainant has requested information regarding the names and job titles filling certain roles within the Trust. The Trust provided the requested information, but not within the twenty working days set out in the FOIA.
2. The Commissioner's decision is that the Trust breached section 10 of the FOIA.
3. As the information was ultimately provided the Commissioner does not require the public authority to take any further action in this matter.

Request and response

4. On 31 January 2017 the complainant wrote to the Trust on a number of issues. At points 4 and 5 of that email he requested information in the following terms:

"4. What is the name and position of PALS manager and
5. What are the names and positions of FOI Officers of HH and ..."
5. The Trust provided the complainant with a clear and unambiguous response on 22 May 2017.

Scope of the case

6. The complainant contacted the Commissioner on 10 April 2017 to complain about the way his request for information had been handled.
7. The Commissioner considers that the matter to be decided is whether the Trust dealt with the request within the time limit set out in section 10 of the FOIA.

Reasons for decision

Section 10 – time for compliance

8. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject of course to the application of any exemptions that are appropriate.
9. Where a public authority is obliged to communicate the requested information, section 10 provides that a public authority must do so within twenty working days of the date the request was received.
10. The request was sent by email on 31 January 2017. This email was part of protracted correspondence between the complainant and the Trust which continued after the request had been made. Over the duration of this correspondence the complainant had directly contacted the person identified by the Trust as its FOI officer and had been advised that other matters would be passed to the person identified by the Trust as the PALS manager. However it was not until 22 May 2017 that the Trust provided a clear response naming the relevant individuals and providing their job titles. As this was outside the twenty working days the Commissioner finds that the Trust breached section 10.
11. However as the complainant has now been provided with the requested information, she does not require the Trust to take any further action in this matter.

Right of appeal

12. 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

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

13. 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.
14. 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

Rob Mehan
Senior Case Officer
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Wycliffe House
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Wilmslow
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SK9 5AF