

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

### **Decision notice**

**Date:** 2 November 2017

**Public Authority:** Amman Tawe Partnership  
**Address:** Graig Road  
Gwaun Cae Gurwen  
Ammanford  
SA18 1EG

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

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1. The complainant requested information about systems of clinical governance. The Commissioner's decision is that Amman Tawe partnership has failed to respond to the request within the statutory time for compliance, and therefore breached section 10 of the FOIA.
2. The Commissioner requires Amman Tawe Partnership to take the following step to ensure compliance with the legislation.
  - Provide the complainant with a response to his request which complies with the requirements of section 1(1) of the FOIA, or issue a valid refusal notice.
3. 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 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.

## Request and response

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4. On 23 March 2017, the complainant wrote to Amman Tawe Partnership and requested information in the following terms:

*"I wish to provide information to understand your "system of clinical governance" and the mechanisms by which you review and audit the work of your practice team?"*

*For a minimum please send digital copies of information held by the practice for the last two years with regard to:*

*1) Strategies and Plans for the development of NHS Services?*

*2) Performance Indicators; e g patient satisfaction surveys, prescribing data, referrals data, complaints data etc?*

*3) Audits. At a minimum this will include the report of at least one completed clinical audit cycle, including the nature of any consents, basic data collection, criterion used, review, change in professional practice, repeat data collection and review to complete the cycle?*

*4) Any physical inspections by any health authorities of the standard of premises and equipment used by the Practice and their maintenance?*

*5) Any appraisals, assessments or reviews by any health authority or body concerning the quality of the medical service provided by the Amman Tawe Partnership".*

5. The complainant wrote to Amman Tawe Partnership on 26 June 2017 to chase a response to his request.

## Scope of the case

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6. The complainant first contacted the Commissioner on 30 April 2017 to complain about the failure to respond to his request for information, and concerns regarding Amman Tawe Partnership's publication scheme. This decision notice deals solely with the request for information of 23 March 2017.
7. On 12 June 2017 the Commissioner wrote to Amman Tawe Partnership about the delayed response. The Commissioner reminded it of its obligations under the FOIA. The Commissioner advised Amman Tawe Partnership that it should confirm whether or not the information requested was held in recorded form. If it was held the Commissioner confirmed that it should either provide the information or issue a refusal

notice in accordance with the requirements of section 17 of the FOIA. The Commissioner also provided links to her guidance on how to respond to FOIA requests.

8. The complainant contacted the Commissioner on 26 July 2017 to confirm that he had still not received a response to his request, despite him sending a further reminder to Amman Tawe Partnership.

## **Reasons for decision**

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### **Sections 1 and 10**

9. 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.
10. In this case Amman Tawe Partnership has breached sections 1(1) and 10(1) by failing to respond to the request within 20 working days. At paragraph 2 above Amman Tawe Partnership is now required to provide a response to the complainant's request of 23 March 2017 in accordance with the provisions of the FOIA. Any response should confirm or deny whether the information requested is held. If the information requested is held Amman Tawe Partnership should either provide it or issue a refusal notice which complies with the requirements of section 17 of the FOIA.

## Right of appeal

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11. 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)

12. 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.
13. 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 .....**

**David Teague**  
**Regional Manager (Wales)**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**