

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

### **Decision notice**

**Date:** 23 November 2017

**Public Authority:** University College London Hospitals  
NHS Foundation Trust

**Address:** 2<sup>nd</sup> Floor, Maple House  
149 Tottenham Court  
London W1T 7NF

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

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1. The complainant has requested information from University College London Hospitals NHS Foundation Trust ('the Trust') about a transport contract the Trust has with GS4. At the date of this notice, the Trust has not provided a response to the request.
2. The Commissioner's decision is that:
  - The Trust has breached section 10(1) of the FOIA as it has not provided a response to the request within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - Provide a response to the complainant's request of 26 July 2017.
4. 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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5. On 26 July 2017, the complainant wrote to the Trust and requested information in the following terms:

*"...As you may be aware, many clinicians are frustrated with the current transport contract we have with GS4. I have previously asked for details of the contract including the KPI's and penalties for the contractor should they fail to meet their end of the contract. I have not been provided with this information, and hence I am making a formal request under the Freedom of Information Act. The specific information I am requesting is the details of expected service provision for transport of patients, including KPI's, and any penalties for not meeting these."*

6. The Trust wrote to the complainant on 24 August 2017 and 2 October 2017 to advise him that its response would be late. The complainant did not go on to receive a response and contacted the Commissioner.
7. The Commissioner wrote to the Trust on 30 October 2017 and asked it to provide a response to the request within 10 working days. On 15 November 2017 the complainant advised the Commissioner that he still had not received a response.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 19 October 2017 to complain about the way his request for information had been handled.
9. The Commissioner's investigation has focussed on the Trust's obligation under section 10(1) of the FOIA.

## **Reasons for decision**

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### **Section 1 – general right of access to information**

10. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have it communicated to him or her if it is held.

**Section 10 – time for compliance**

11. Section 10(1) says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt of the request.
12. The complainant submitted his request to the Trust on 26 July 2017 and to date has not received a response. The Trust has therefore breached section 10(1) with regards to this request.

## 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**