

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 November 2017

Public Authority: University College London Hospitals NHS
Foundation Trust

Address: 2nd Floor
Maple House
149 Tottenham Court
London
W1T 7NF

Decision (including any steps ordered)

1. The complainant has requested information relating to a dispute with the trust in respect of alleged racial and maternity discrimination and bullying. The trust failed to respond to the complainant's request within 20 working days.
2. The Commissioner's decision is that the trust breached section 10(1) of the FOIA in this case. However, as a response has been issued and no complaint has been raised about its contents, the Commissioner does not require any further action to be taken.

Request and response

3. On 7 July 2017, the complainant wrote to the trust and requested information in the following terms:

"Could you please clarify or provide information, as to why and the circumstances against which managers in HR involved or associated with allegations of racial/maternity discrimination and/or bullying, or are/were witnesses in internal or external proceedings would contact the complainants about the same complaints?"

4. As the complainant received no response, he referred the matter to the Commissioner on 9 August 2017. He requested that the Commissioner find a breach of section 10 of the FOIA.
5. The Commissioner wrote to the trust on 9 August 2017 and requested that it provides a response to the complainant's request as soon as possible.
6. The trust issued its response to this request on 15 September 2017. It applied section 14 of the FOIA.

Scope of the case

7. As stated above, the complainant contacted the Commissioner on 9 August 2017 to complain about the way his request for information had been handled. Specifically, he requested the Commissioner to record a breach of section 10 of the FOIA against the trust.
8. The Commissioner has received no complaint from the complainant in respect of the trust's refusal notice and reasons for refusing this particular request; only that he requires a decision notice recording the late response.
9. The Commissioner therefore considers the scope of this investigation to determine whether there has been any procedural breaches of the FOIA.

Reasons for decision

10. Section 1 of the FOIA states any person making a request for information to a public authority is entitled –
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
 - (b) if that is the case, to have that information communicated to him.
11. Section 10(1) states that subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
12. In this case the Commissioner notes that the trust failed to respond to the complainant's request within 20 working days of receipt and only responded once the Commissioner was asked to look into the matter. The Commissioner therefore finds the trust in breach of section 10(1) of the FOIA in this case.

Other matters

13. The Commissioner notes that the complainant has been informed of the provisions of section 17(6) of the FOIA. This states that there is no requirement to issue a refusal notice if the public authority has already given the applicant a notice stating that it is relying on section 14 of the FOIA in relation to a previous request.
14. It has informed the complainant that any future requests of the same or similar topic will not be responded to.

Right of appeal

15. 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

16. 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.
17. 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

Samantha Coward
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Wycliffe House
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Wilmslow
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SK9 5AF