

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 February 2018

Public Authority: Northern Health and Social Services Trust
Address: Causeway House
8e Coleraine Road
Ballymoney
County Antrim
BT53 6BP

Decision (including any steps ordered)

1. The complainant requested a breakdown of non-emergency patient transfers ordered by the Northern Health and Social Services Trust ("the Trust") from April 2016 to June 2017 inclusive. The complainant requested month-by-month figures of the number of transfers delivered, broken down by service provider.
2. The complainant then requested a monthly breakdown by ambulance service provider of monies paid to private or voluntary ambulance services from 1 April 2016 to 31 June 2017 inclusive.
3. The Commissioner's decision is that the Trust has breached section 10 of the FOIA by failing to provide a response within the statutory timeframe.
4. The Commissioner does not require the public authority to take any steps.

Request and response

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

"Dear Northern Health and Social Care Trust (Northern Ireland),

Please provide a breakdown of non-emergency patient transfers ordered by the Trust from April 2016 to June 2017 inclusive. I am

looking for month-by-month figures of the number of transfers delivered, please, broken down by service provider”.

6. The Trust responded on 7 November 2017. It stated that it did not hold the information in the format requested. The Trust therefore responded to the request by providing results in the form of a table chart.
7. Following an internal review the Trust wrote to the complainant on 8 January 2018. It provided a breakdown of month by month activity but relied on section 43(2) (commercial interests) to withhold a breakdown of this activity by named contractor.

Scope of the case

8. The complainant contacted the Commissioner on 1 November 2017 to complain about the way his requests for information had been handled.
9. The Commissioner considers the scope of this case to be to determine if the Trust has complied with its obligations under section 10 of FOIA.

Reasons for decision

10. Section 10 of FOIA states that a public authority must comply with section 1 (1) promptly and in the event not later than the twentieth working day following the date of receipt.
11. From the information provided to the Commissioner it is evident that the Trust did not respond to the complainant within the statutory timeframe in respect of this request: the complainant submitted his request on 7 July 2017 and did not receive a response until 7 November 2017.

Conclusion

12. The Commissioner's decision is that the Trust did not deal with the request for information in accordance with the FOIA. In this case the Trust has breached section 10 of the FOIA by failing to respond to the request within 20 working days.

Right of appeal

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

Website: 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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF