

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 15 February 2018

**Public Authority:** NHS Dorset Clinical Commissioning Group  
**Address:** Vespasian House  
Barack Road  
Dorchester  
Dorset  
DT1 1TG

### Decision (including any steps ordered)

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1. The complainant has requested from NHS Dorset Clinical Commissioning Group (NHS Dorset CCG) information regarding the Individual Patient Treatment (IPT) Panel.
2. The Commissioner's decision is that NHS Dorset CCG has breached section 10(1) of FOIA in the handling of this request.
3. The Commissioner does not require the public authority to take any steps.

### Request and response

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4. On 26 June 2017, the complainant wrote to NHS Dorset CCG and requested information in the following terms:

*"Q1*

*Details of the members of the Individual Patient Treatment (IPT) Panel on 15 June 2017?*

*Q2*

*Are there patient and public representatives included in the IPT Panel?*

*Q3*

*Since 01 April 2013 the annual budget for IPT?*

*Q4*

*Since 01 April 2013 the numbers of persons making a request to IPT?*

*Q5*

*Since 01 April 2013 the number of persons successfully making a request to IPT?"*

5. NHS Dorset CCG responded to the complainant on 4 August 2017 providing information in relation to Q1 and Q2, whilst regarding the information requested under Q3, Q4 and Q5 it informed the complainant that a response would be provided at a later date.
6. Since the complainant did not receive a response to the rest of his information request, he contacted the Commissioner on 23 November 2017.
7. The Commissioner contacted NHS Dorset CCG on 2 January 2018 to enquire about the outstanding parts of the complainant's request.
8. On 9 January 2018 NHS Dorset CCG responded to the complainant providing the information that it held in relation to Q3. NHS Dorset CCG acknowledged its delay in responding to the request and apologised to the complainant.
9. The complainant informed the Commissioner on 22 January 2018 that he still had not received a substantive response in relation to Q4 and Q5. On the same day the Commissioner contacted NHS Dorset CCG to address the complainant's concern.
10. On 7 February 2018 NHS Dorset CCG responded to the complainant in relation to Q4 and Q5. It informed the complainant that it does not hold the information in the requested format and in order to extract the information the process would exceed the appropriate costs-limit as provided in section 12 of the FOIA.

## **Scope of the case**

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11. The complainant originally contacted the Commissioner on 23 November 2017 to complain regarding the way his request for information has been handled.

12. In this case the Commissioner has been asked to consider whether NHS Dorset CCG dealt with this request in accordance with its obligations under section 10(1) of the FOIA.

### Reasons for decision

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13. Section 10(1) of 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.”*

14. Section 1(1) provides that:

*“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.”*

15. The request was made on 26 June 2017 and the complete response was not provided until 7 February 2018. The Commissioner therefore finds that NHS Dorset CCG breached section 10(1) in failing to respond within 20 working days.

## Right of appeal

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16. 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)

17. 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.
18. 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**