

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

### **Decision notice**

**Date:** 16 March 2018

**Public Authority:** Norfolk and Norwich University Hospitals  
NHS Trust

**Address:** Colney Lane  
Colney  
Norwich NR4 7UY

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

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1. The complainant has requested information from Norfolk and Norwich University NHS Trust ('the Trust') associated with a particular individual's medical treatment. 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 22 August 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 22 August 2017, the complainant wrote to the Trust and requested information in the following terms:

***"FOI Request Number One..."***

*... Who wrote the initials on the given by box which appears to be "LV", who administered the drug, who witnessed the administration and at what time was it administered on Friday 16<sup>th</sup> May 2014?*

*What are the names of the individuals who administered the same drug at 19:30 on the 17<sup>th</sup> May and 06:20 on the 18<sup>th</sup> May?"*

6. The complainant has told the Commissioner that he originally submitted this request to the Trust on 18 January 2017 but did not receive a response.
7. The Commissioner wrote to the Trust on 16 October 2017, provided a copy of this request and another the complainant had submitted on the same day and asked it to provide a response to both requests within 10 working days. On 13 November 2017 the complainant advised the Commissioner that he still had not received a response. The Commissioner contacted the Trust again on 14 November 2017 and was advised that it was aware of the requests and would look again into the matter of its response.
8. On 29 November 2017, the complainant advised the Commissioner that he still had not received a response.
9. The Commissioner served a decision notice on the Trust on 7 December 2017 regarding the Trust's non response to one of the requests the complainant had submitted – reference FS50701752.
10. This decision notice did not include the current request but on 18 December 2017 the Trust advised the Commissioner that it intended to provide responses to both requests within the timescale given in the notice.
11. On 8 February 2018 the complainant advised the Commissioner that the Trust had not complied with the decision notice or provided a response to the request that is the subject of this notice.
12. Despite further contact from the Commissioner on both matters, the Trust has yet to provide a response to the current request.

## Scope of the case

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13. The complainant first contacted the Commissioner on 20 September 2017 to complain about the way his requests for information had been handled.
14. 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 10 – time for compliance

15. 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.
16. 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.
17. The complainant submitted this request to the Trust on 20 August 2017 and to date has not received a response. The Trust has clearly breached section 10(1) with regards to this request.

## Right of appeal

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18. 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)

19. 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.
20. 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 .....**

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