

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 30 August 2018

**Public Authority:** Great Ormond Street Hospital  
**Address:** Great Ormond Street  
London  
WC1N 3JH

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the character or play 'Peter Pan'. The Great Ormond Street Hospital (GOSH) failed to respond to this request for information and the Commissioner's decision is that in doing so GOSH breached section 10(1) of the FOIA. The Commissioner requires the public authority to provide the complainant with a response to this request in accordance with its obligations under FOIA.
2. 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 FOIA and may be dealt with as a contempt of court.

### Request and response

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3. On 6 March 2018, the complainant requested the following information:  
*'Please note that I am only interested in information generated between 6 March 2017 to 6 March 2018.*  
  
*1...During the aforementioned period has Great Ormond Street Hospital (GOSH) or anyone acting specifically on its behalf (including but not limited to legal advisers) exchanged correspondence and communication (including emails) with any of the following organisations about the character of Peter Pan and or the Peter Pan play, novels and stories created by the late J M Barrie. This correspondence and communication will include but will not be limited to communications about past TV, film*

*and theatrical productions. It will also include but will not be limited to correspondence and communications about future/possible TV and or films and theatrical adaptations.*

*The organisations I am interested in are....*

*a...Any domestic and or foreign broadcaster or content platform including terrestrial channels, satellite and cable stations and subscription services including but not limited to Netflix.*

*b...Any TV production company*

*c...Any film production company.*

*d...Any TV and or film distribution company*

*e...Any theatrical production company.*

*2...If the answer to the question is yes can you please provide copies of this correspondence and communication including emails. Please note that I would like to receive both sides of the correspondence and communication. I am conscious that some of the correspondence and communication may have been generated by the charity responsible for looking after the Peter Pan copyright. But please do provide copies of the correspondence and communications if copies are held by the hospital itself.'*

4. GOSH acknowledged the request on the same day and allocated a reference number. An internal review on timeliness was requested on 21 April 2018. This was chased on 2 July 2018.

## **Scope of the case**

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5. The complainant contacted the Commissioner on 4 July 2018 to complain about the failure of GOSH to respond to this request.
6. In line with her usual practice, the Commissioner contacted GOSH on 26 July to highlight the outstanding response. She instructed GOSH to respond to the request within 10 working days. The Commissioner wrote again on 16 August 2018. The correspondence was neither acknowledged nor responded to. On 29 August the complainant confirmed that he had not received a response.
7. The Commissioner considers that the scope of her investigation is to determine whether GOSH has complied with Section 10 of the FOIA.

## Reasons for decision

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8. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "no later than the twentieth working day following the date of receipt".
10. In this case GOSH has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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11. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

12. 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.
13. 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**