

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: **8 November 2018**

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

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

Decision (including any steps ordered)

1. The complainant requested information relating to volunteers for Norfolk and Norwich Hospitals NHS Foundation Trust (the Trust). The Trust has failed to respond to this request.
2. The Commissioner considers that the Trust has breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must provide the complainant with a response to this request in accordance with its obligations under FOIA.
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

5. On 11 July 2018 the complainant wrote to the Trust and requested information in the following terms:
 1. All internal correspondence, emails, memos, notes etc pertaining to my dismissal (as a volunteer) by all staff involved. In particular, the notes which [named individual] and [named individual] had in front of them at the dismissal meeting on the 27th April.

2. The email written by [named individual] which was read to me at the dismissal meeting.
 3. The name of the member of staff who accessed volunteers' personal data to get the address of [named individual] (another volunteer) in order to send a communication to his home address relating to this matter.
 4. A copy of the agreement between the NHS (and/or the Trust) and trades unions relating to the deployment of volunteers.
 5. The most recent Annual Report for the Chaplaincy at NNUH.
 6. A copy of the Chaplaincy notes for a patient which it was claimed that I had written upon inappropriately. I cannot name the patient for confidentiality reasons but [named individual] knows who it is. The name can be redacted from the copy as necessary.
6. The Trust has failed to respond to this request.

Scope of the case

7. The complainant contacted the Commissioner on 3 October 2018 to complain about the way the request for information had been handled.
8. The Commissioner has considered whether the Trust has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides 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."

10. 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."*

11. The request was made on 11 July 2018 and a response has not yet been provided. The Commissioner therefore finds that the Trust breached section 10(1) in failing to respond within 20 working days.

Other matters

12. Based upon the wording of the request, the Commissioner recognises that some of the information requested is likely to be the complainant's own personal data. This is absolutely exempt from disclosure under section 40(1) FOIA however the Trust will have a duty to respond to these parts of the request under the Data Protections Act 2018 as a subject access request.

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.....

**Gemma Garvey
Senior Case Officer**

**Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**