

**Freedom of Information Act 2000 (FOIA)  
Environmental Information Regulations 2004 (EIR)**

**Decision Notice**

**Date:** 27 February 2019

**Public Authority:** Northern Ireland Ambulance Service HSC Trust  
**Address:** Knockbracken Healthcare Park  
Saintfield Road  
Belfast  
BT8 8SG

**Decision (including any steps ordered)**

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1. The complainant requested information from the Northern Ireland Ambulance Service Health and Social Care Trust (NIAS). Despite the Commissioner's intervention NIAS has failed to respond to the request. Therefore the Commissioner's decision is that NIAS has failed to comply with regulation 5(2) of the EIR.
2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Respond to the complainant's request: the public authority must either disclose the requested information or issue a response stating that it does not hold the requested information.
  - If the public authority wishes to withhold any information, or to refuse to confirm or deny that it holds information, it must issue a refusal notice in relation to that part of the request it wishes to refuse and disclose the remainder (if held).
3. 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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4. On 5 December 2017 the complainant requested the following information from NIAS:

*"This is an information request under the Environmental Information Regulations 2004, pertaining to participation by the NIAS on the Department for Communities' Safety Technical Group (STG) deliberations on the proposed redevelopment of Casement Park.*

*The information I am seeking is as follows:*

- 1. The minutes of meetings of the Safety Technical Group in the period since October 2016.*
- 2. Opinions expressed and/or comments made by the NIAS, via written note, email, etc., on:*

- The GAA's plans for the redevelopment of Casement Park which were issued in October 2016, including communications to and from other emergency services (NIFRS and PSNI) and the Department for Communities' Safety Technical Group.*
- Minutes of meetings of the Safety Technical Group in the period since October 2016.*
- The report made by the Movement Consultant (AECOM) appointed by the Department for Communities, including any interim or progress reports, the Final report dated 16 August 2017 and the amended version dated 20 September 2017 and the presentation to the STG meeting dated 29 August 2017 (those dates are taken from the Revision History at page 2 of the attached AECOM report)."*

5. NIAS acknowledged receipt of the request on 7 December 2017, but the complainant did not receive a substantive response.

## Scope of the case

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6. The complainant contacted the Commissioner on 7 May 2018 since he had not received a response to his request.
7. The Commissioner wrote to NIAS on 31 May 2018 reminding it of its obligations under the EIR. However, the complainant advised the Commissioner on 19 June 2018 that he had still not received a response to his request.

8. The Commissioner wrote to NIAS on 21 June 2018 to request that it respond to the complainant's request. However the complainant did not receive any further response from NIAS. Nor did the Commissioner receive any response to her correspondence.
9. The Commissioner wrote to NIAS again on 18 February 2019 to advise that she would issue a decision notice if NIAS failed to respond to the request by 25 February 2019. The Commissioner followed this up with two phone calls.
10. At the time of issuing this decision notice NIAS had not responded to the complainant's request. Although the Commissioner accepts that NIAS is now dealing with the request, she considers that a decision notice is necessary in order to ensure that a response is issued without further delay.

## Reasons for decision

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### **Regulation 5(2): duty to make environmental information available**

11. Regulation 5(2) of the EIR states that a public authority must make environmental information available (subject to any exceptions relied on) no later than 20 working days after the request is received.
12. Regulation 7 provides that an authority may extend the time for compliance to 40 working days if it reasonably believes that the complexity and volume of the information requested means that it is impracticable either to comply with the request or to make a decision to refuse to do so. However regulation 7(3) states that the authority is obliged to notify the applicant as soon as possible and no later than 20 working days after the request is received.
13. In this case it is clear that NIAS has failed to comply with regulation 5(2) in that it has not issued a substantive response to the request. NIAS has also failed to comply with regulation 7(3) in that it failed to advise the complainant that it required additional time. It also exceeded the extended 40 working days for compliance.
14. The Commissioner acknowledges that public authorities are under increased pressure to deliver services, but she would remind them that compliance with information requests is a legal obligation under the EIR. Failure to do so means it is more likely that an adverse decision notice will be issued, resulting in increased demands on the authority and the Commissioner alike. The Commissioner expects public authorities to take steps to allocate appropriate resources and support to this core function.

15. In any event the Commissioner expects that public authorities will make all efforts to meet the statutory time for compliance with regard to information requests. If, in an exceptional case, the authority is unable to provide a response within the statutory time then it should inform the applicant as soon as possible, and keep the applicant updated as to when a response will be issued. The Commissioner considers this to be an essential element of customer service.

## 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 123 4504  
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 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

**Sarah O’Cathain**  
**Senior Case Officer**  
**Information Commissioner’s Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**