

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 2 July 2019

**Public Authority:** NHS Commissioning Board (NHS England)  
**Address:** 4N22 Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

#### Decision (including any steps ordered)

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1. The complainant has made a request for information relating to Sexual Assault Referral Centres.
2. The Commissioner's decision is that NHS England has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA.
3. Since the request has now been responded to, the Commissioner does not require NHS England to take any further steps in relation to this complaint.

#### Request and response

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4. On 17 January 2019, the complainant wrote to NHS England and requested information in the following terms:

*"Under the Freedom of Information Act 2000, please can you provide me with:*

*All Performance Indicator reports providing summary quarterly results based on Sexual Assault Referral Centre Indicators of Performance in SARCs since the onset of SARCIPs. There should be at least seven documents which have been produced so far collating activity reports from individual SARCs. SARCs must provide activity reports in line with the SARCs management information stipulated template, Sexual Assault*

*Referral Centres Indicators of Performance (SARCIP), at least quarterly to NHS England.*

*If you are able to supply some of this information more quickly than other items, please supply each item when you can rather than delay everything until it is all available."*

5. NHS England responded on 24 January 2019 asking the complainant to clarify the following:

*"Could you kindly specify the questions you are seeking to answer via your FOI request for SARCIPS data?*

*It is the case that some data quality issues remain and we want to avoid supplying meaningless data."*

6. On 24 January 2019, the complainant provided the following clarification of his request:

*"Please provide all national collated data and national summary reports based on the performance indicator data or reports supplied to you by individual SARCs in England (these are quarterly results based on Sexual Assault Referral Centre Indicators of Performance in SARCs SARCIPs). There should be at least 7 such national summary reports since the onset of SARCIPs.*

*The questions or performance indicators are included in the 'Sexual Assault Referral Centres: Indicators of Performance (SARCIPs) User Guide' as given to all SARCs in England. Please provide data for each key performance indicator/measure as listed in the document.*

*I'm confused why some data may appear meaningless. Please provide all data held and state where there are any data quality issues present and why they exist."*

7. NHS England responded to the information request on 27 June 2019.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 23 April 2019 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether NHS England dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

## Reasons for decision

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### Section 10 – time for compliance

10. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject to the application of any exemptions that are appropriate.
11. Section 1(3) of the FOIA states that where a public authority reasonably requires further information in order to identify and locate the information requested, and has informed the applicant of that requirement, it is not obliged to comply with the request unless it is supplied with that further information.
12. Section 10(1) of the states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.
13. The complainant provided NHS England with clarification of his request on 24 January 2019 and a response should have been provided no later than 21 February 2019.
14. On 27 April 2019, the Commissioner wrote to NHS England advising it to respond to the request within 10 working days. She provided NHS England with a copy of the request and asked it to state in its response to the complainant whether or not the requested information was held and, if held, to either provide the information or issue a refusal notice in accordance with the requirements of section 17 of the FOIA. She also provided links to her Guide to Freedom of Information, and guidance issued in respect of the time in which a response to a request for information should be provided.
15. On 17 June 2019, the complainant confirmed to the Commissioner that he had still not received a response to his request.
16. The Commissioner followed up the complainant's information request with NHS England on 19 and 26 June 2019.
17. NHS England wrote to the Commissioner on 27 June 2019 and provided her with a copy of the response it sent to the complainant on 27 June 2019.
18. It is clear to the Commissioner that, in this case, NHS England has failed to respond to the request in accordance with the legislation. The Commissioner therefore finds that NHS England breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

## Right of appeal

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19. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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**