

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 September 2019

**Public Authority:** London Ambulance Service NHS Trust (the Trust)

**Address:** 220 Waterloo Road  
London  
SE1 8SD

### Decision (including any steps ordered)

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1. The complainant requested information relating to the outcome of an exercise carried out by the Contacts Management Team at the Trust with the contractor Interserve (Make Ready Contract).
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

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5. On 2 June 2019 the complainant requested information in the following terms:

“I would like to inquire as to the out come of an exercise carried out by the Contracts Management Team of the London Ambulance Service

(NHS) with the contractor Interserve (Make Ready Contract). This exercise was carried out in 2017/18. The result showed that Interserve had overcharged London Ambulance Service for services contracted."

6. The Trust has failed to provide a response to this request for information.

## Scope of the case

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7. The complainant contacted the Commissioner on 22 July 2019 to complain about the way his request has been handled, as he had not received a response from the Trust.
8. On 27 July 2019 the Commissioner wrote to the Trust and asked it to ensure a response was provided to the complainant within 10 working days.
9. The Trust failed to provide a response within this time.
10. 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

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11. 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."*

12. 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."*

13. The original request was made on 2 June 2019 and the response remains outstanding. The Commissioner therefore finds that the Trust breached section 10(1) in failing to respond within 20 working days.

## Right of appeal

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14. 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)

15. 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.
16. 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**