

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 January 2020

Public Authority: East of England Ambulance Service NHS Trust

Address: Whiting Way
Melbourn
Cambridgeshire
SG8 6EN

Decision (including any steps ordered)

1. The complainant requested information concerning "contact point locations", ranked according to a demand analysis.
2. The Commissioner's decision is that the East of England Ambulance Service NHS Trust (the Trust) failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner does not require any steps to be taken in response to this notice.

Request and response

4. On 20 October 2019, the complainant wrote to the Trust and, as part of wider ranging correspondence, requested information in the following terms:

"Please provide a list of South Essex Division contact point locations ranked in order of priority according to demand analysis. Please consider this request under FOI requirements."

5. The Trust acknowledged the request on 15 November 2019, apologised for mis-filing the complainant's email, and explained that the request for information would now be passed to the appropriate team within the Trust.
6. The Trust issued its response to the request on 30 December 2019, providing the current priority list and explaining its context.

Scope of the case

7. The complainant contacted the Commissioner on 29 December 2019 to complain about the failure, by Trust, to respond to their request.
8. On 17 January 2020 the Commissioner contacted the complainant to request some further information in support of their complaint. The complainant provided the requested information and clarified that, since the time of their complaint, the Trust had issued its response.
9. On 23 January 2020 the complainant requested a decision notice concerning the timeliness of the Trust's response.
10. The scope of this notice and the following analysis is to consider whether the Trust has complied with section 10 of the FOIA.

Reasons for decision

11. Section 1(1) of the FOIA states 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.

12. Section 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

13. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

14. Section 10 of the FOIA states that responses to requests made under the Act must be provided *"promptly and in any event not later than the twentieth working day following the date of receipt."*

15. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the Trust has breached section 10 of the FOIA.

Right of appeal

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 1234504

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: 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 Information 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

Phillip Angell
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF