

**PROTECT**

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 17 June 2021

**Public Authority:** Portsmouth Hospitals University NHS Trust  
**Address:** Queen Alexandra Hospital  
Southwick Hill Road  
Cosham  
Portsmouth  
Hampshire  
PO6 3LY

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Portsmouth Hospitals University NHS Trust (the Trust) about specified meetings. By the date of this notice Portsmouth Hospitals University NHS Trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
  - the Trust must provide a substantive response to the request in accordance with its obligations under the FOIA.
4. The Trust must take this step 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 8 October 2020, the complainant wrote to the Trust and requested information in the following terms:

*Copies of agenda with full papers and subsequent minutes of all Trust Quality and Performance Committee meetings from 1 February 2020 – 30 October 2020. Copies of agenda, full papers and minutes of any Trust-level meetings from 1 February 2020 – 30 September 2020 where decisions were made about any changes to any human resources policies or procedures as part of the Trusts response to Covid-19*

6. The Trust acknowledged the request on 8 October 2020. To date, a substantive response to the request has not been issued.

**Scope of the case**

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7. The complainant contacted the Commissioner on 24 April 2021 to complain about the Trust's failure to respond to their request.
8. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

**Reasons for decision**

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9. 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."*

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt*".
11. On 25 May 2021 the Commissioner wrote to Portsmouth Hospitals University NHS Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

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12. Despite this intervention the Trust has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

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**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: 0203 936 8963

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 .....**

**[Name of signatory]**

**[Job title of signatory]**

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**