

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 October 2021

Public Authority: Norfolk and Norwich University Hospitals NHS Foundation Trust

Address: Colney Lane
Norwich
NR4 7UY

Decision (including any steps ordered)

1. The complainant requested a range of information from Norfolk and Norwich University Hospitals NHS Foundation Trust (the 'Trust') about deaths at the Trust from Covid 19.
2. The Commissioner's decision is that the Trust breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days.
3. As a response has been issued, no steps are required.

Request and response

4. On 7 June 2021, the complainant wrote to the Trust and requested information in the following terms:

"1. How many people have died from Covid-19 in the Norfolk and Norwich University Hospital and all other sites in the Trust, from the 1st of January 2020 to the 7th of June, 2021. This figure is to include only patients who have had positive Covid-19 tests and have not died with pre-existing conditions.

2. Of the people in (1) above how many died in each decade of age, (0 to 10 years old, 10-19 inclusive, 20 -29 inclusive, etc?

3. *Of the people in (1) above, how many had cause of death determined by formal autopsy?*
 4. *How many patients in the Norfolk and Norwich University Hospital and other sites in the Trust are there currently with confirmed Covid-19?*
 5. *Of the people in (4) above, how many had received one or more COVID-19 vaccinations prior to contracting COVID-19?"*
5. The Trust responded to the request for information on 11 August 2021.

Scope of the case

6. The complainant contacted the Commissioner on 20 July 2021 to complain about the Trust's failure to respond to their request within the statutory time frame of the FOIA. He specifically requested a decision notice recording the late response provided by the Trust.
7. 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.
8. This decision notice deals purely with the timeliness of the response to the request.

Reasons for decision

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. 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.

Right of appeal

12. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF