

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 October 2021

Public Authority: Manchester University NHS Foundation Trust

Address: First floor
Stiltz Building
Ledson Road
Wythenshawe Hospital
M23 9GP

Decision (including any steps ordered)

1. The complainant requested information from the Manchester University NHS Foundation Trust ("the Trust") relating to all surveys submitted by the domestic services department staff.
2. The Commissioner's decision is that the Trust failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the Trust to take any further steps.

Request and response

4. On 28 June 2021, the complainant wrote to the Trust and requested information in the following terms:

"I am writing to you under the Freedom of information Act 2000 to request the following information from Manchester University Foundation NHS Trust, North Manchester General Hospital. Please may you provide me with:

Copy of all surveys submitted by the domestic services department staff. The survey form attached to make it easier for you to identify it. The survey was sent to all staff at the domestic services department by the Estates and Facilities Department between April and May 2021."

5. On 28 July 2021, the complainant had not received a response and therefore sent a follow-up email to the Trust, asking for an update on their information request.
6. On 29 July 2021, the Trust contacted the complainant apologising for not responding to their information request within the statutory deadline and advised that they had escalated the matter.
7. On the same day, the complainant asked the Trust about their statutory right if a response was not issued within 5 days.
8. On 2 August 2021, the Trust advised the complainant of their right to make a complaint to the Information Commissioner's Office.

Scope of the case

9. The complainant contacted the Commissioner on 24 August 2021 to complain about the way their request for information had been handled.
10. The Commissioner contacted the Trust on 7 September 2021, to highlight the outstanding response and requested that the Trust provided its substantive response within 10 working days.
11. The Trust provided a response to the request for information on 20 September 2021
12. This decision notice deals purely with the timeliness of the response to the request submitted to the Trust on 28 June 2021.

Reasons for decision

13. 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.*

14. 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.”
15. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the requests within 20 working days, the Trust has breached Section 10(1) 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: 0203 936 8963

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

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