

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 January 2021

Public Authority: Royal Berkshire NHS Foundation Trust

Address: London Road
Reading
RG1 5AN

Decision (including any steps ordered)

1. The complainant requested information from Royal Berkshire NHS Foundation Trust ("the Trust") relating to the Trust's expenditure on automation and new technologies in pathology services since the Carter Report.
2. The Commissioner's decision is that the Trust failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. No steps are required.

Request and response

4. On 3 June 2020, the complainant wrote to the Trust and requested information in the following terms:

"How much has been expended by the Trust for each and every year to date on automation and new technologies in the pathology services since the Carter Report of the Review of NHS Pathology Services in England? I would like the information limited to expenditure on physical equipment only and not new tests, buildings or training. Where possible, expenditure on general information technology equipment and software should be shown separately from particular equipment and software

used in pathology services. The expenditures may include leasing or hiring of contracted-out pathology services using automation and new technologies.

Examples of automation can be found on page 26 of the report.

I would the information in an electronic format, preferably as a spreadsheet."

5. The Trust wrote to the complainant on 3 June 2020 to acknowledge the request.
6. On the 10 June 2020 the complainant wrote to the Trust to clarify his request. He stated that he required information for the financial years 2017-2018, 2018-2019 and 2019-20.
7. The Trust responded on 10 July 2020 and provided the complainant with an update on the Trust's response to his request.
8. On the same date the complainant wrote to the Trust to complain about length of time it was taking for the trust to provide him with a response to his request.
9. The Trust provided the complainant with its response to his request for information on 30 October 2020.

Scope of the case

10. The complainant contacted the Commissioner 6 November 2020 to complain about the Trust's failure to respond to his request within 20 working days.
11. 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

12. Section 10 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.*
13. The Commissioner considers that the request in question fulfilled the above 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. The Council did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Council 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

Ben Tomes
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF