

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

### **Decision notice**

**Date:** 19 December 2022

**Public Authority:** Northern Ireland Ambulance Service

**Address:** Site 30  
Knockbraken Healthcare Park  
Saintfield Road  
Belfast  
BT8 8SG

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

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1. The complainant requested information relating to permanent and temporary positions as part of a recruitment trawl in 2019. By the date of this notice the Northern Ireland Ambulance Service ("NIAS") had not issued a substantive response to this request.
2. The Commissioner's decision is that NIAS has breached section 10(1) of 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 NIAS to take the following step to ensure compliance with the legislation.
  - NIAS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. NIAS 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 FOIA and may be dealt with as a contempt of court.

## **Request and response**

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5. On 4 October 2022, the complainant wrote to NIAS and requested information in the following terms:

“Can you confirm if the recruitment trawl for NIAS Quality Assurance Auditor, Band 5 in 2019 was for a Permanent or Temporary post?

Also how many people were successful in both the Permanent and Temporary positions?

When did the waiting list for this trawl expire and was the waiting list extended by NIAS and if so, how long for and for what reason?”  
(sic)

6. NIAS acknowledged the request made by the complainant. However, to date, a substantive response has not been issued.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 23 November 2022 to complain about NIAS’s failure to respond to their request.
8. The Commissioner has considered whether NIAS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

## **Reasons for decision**

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9. Section 1(1) of 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 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 28 November 2022 the Commissioner wrote to NIAS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention NIAS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that NIAS did not deal with the request for information in accordance with FOIA. The Commissioner finds that NIAS 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 FOIA.

## 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**