

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

### **Decision notice**

**Date:** 12 January 2022

**Public Authority:** Velindre University NHS Trust  
**Address:** Unit 2 Charnwood Court  
Parc Nantgarw  
Nantgarw  
Cardiff  
CF15 7QZ

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

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1. The complainant requested information relating a new hospital facility. By the date of this notice Velindre University NHS Trust ("the 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. The complainant wrote to the Trust and requested information in the following terms:

*"I have just returned from a few days in the beautiful Yorkshire Dales, batteries recharged by the beautiful open green countryside. Your recent newsletter "Velindre Matters" was waiting for me on the doormat.*

*It is an interesting read, but gives rise to more questions than it answers. Apart from saying it will replace an elderly outdated building and will provide a "focal point for international research and collaboration" there is very little information on what the hospital will provide by way of cancer services and how that compares to what is available in the current facility. For example:*

- 1. How many in-patient beds will you have, compared to what you have now?*
- 2. How many outpatient sessions per annum will you be able to provide in the new Velindre compared to now?*
- 3. How many f/t equivalent cancer consultants will be employed c/f now?*
- 4. How many specialist cancer nurses compared to existing staffing?*
- 5. What arrangements will be put in place to deal with clinical emergencies? This is especially important as new treatments are trialled and brought into use. The access at the Asda entrance can sometimes get gridlocked, with traffic queuing for the drive through McDonalds.*

*With regards to the building itself and how it will work for the local community who will be losing their 'back garden'. Your picture seems to show very little open green space at ground level. Most of the greenery seems to comprise rooftop gardens.*

- 6. Will these be made available for use by the local community?*
- 7. Will they be made safe for children to play?*
- 8. Is the large building at the bottom of the plan (which seems to have the largest green roof) a car park? I can't see any other space being made available for parking.*
- 9. How many stories will it have? What will be its capacity?*
- 10. Will children playing on the small amount of green space at ground level be a distraction for both patients and clinical staff?*

*The main access roads and bridges aren't shown on the plan.*

*11. How will you make community pedestrian access safe?  
Especially for children running around?"*

6. The Trust acknowledged the request on 8 November 2021. 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 4 December 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 13 December 2021 the Commissioner wrote to the Trust, 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 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.

## 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**