

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 30 May 2022

Public Authority: West London NHS Trust
Address: 1 Armstrong Way
Southall
London
UB2 4SD

Decision (including any steps ordered)

1. The complainant has requested information from West London NHS Trust ('the Trust') about its Caldicott Guardian.
2. The Commissioner's decision is as follows:
 - The Trust breached section 10(1) of FOIA as it did not communicate the requested information within the statutory timeframe of 20 working days.
3. The Trust has now communicated the requested information and the Commissioner does not require it to take any further steps.

Request and response

4. On 30 July 2021, the complainant wrote to the Trust and requested information in the following terms:

"... In addition, I previously wrote to you about who is the Caldicott Guardian for the Trust. I was informed of the temporary Guardian, but would like an update as to whether there a permanent person on place. I would like to contact this person and make them aware of the situation."

5. On 30 July 2021, the Trust responded. It advised that it does not have a "temporary" Caldicott Guardian but had an appointed Caldicott Guardian. The Trust provided the complainant with the details of its Data Protection Officer and its privacy policy.
6. The complainant requested an internal review on 2 August 2021, again requesting the details of the Caldicott Guardian.
7. The Trust provided an internal review on 2 August 2021. It confirmed that the appropriate person for the complainant to contact with their concern was the Trust's Data Protection Officer and the Trust gave the contact details of this officer to the complainant.
8. Following intervention by the Commissioner, on 26 May 2022 the Trust communicated the details of its Caldicott Guardian to the complainant.

Scope of the case

9. The complainant first contacted the Commissioner on 7 August 2021 to complain about the way their request for information had been handled.
10. The Commissioner's investigation has focussed on the Trust's obligation under section 10(1) of FOIA.

Reasons for decision

Section 10 – time for compliance

11. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have the information communicated to them if it is held and is not subject to an exemption.
12. Section 10(1) says that a public authority must comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. The complainant submitted their request to the Trust on 30 July 2021. The Trust may well have considered that its Data Protection Officer was the appropriate person for the complainant to contact regarding concerns they had, rather than its Caldicott Guardian. However, the Trust did not refuse the request under any FOIA exemption and, as such, it had a duty to comply with section 1(1).

14. The Trust did not communicate the requested information until 26 May 2022 and therefore breached section 10(1) with regards to the request.

Right of appeal

15. 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@hmcts.gsi.gov.uk

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

16. 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.
17. 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

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