

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 May 2023

Public Authority: Dr Yaqub Hussain, Dr Mohammed Javed Khan,
Dr Khalid Naeem and Dr Zubair Dalal

Address: Partners of Mount Pleasant Medical Centre
69 Purwell Lane
Mount Pleasant
Batley
WF17 7PF

Decision (including any steps ordered)

1. The complainant requested information about FOI requests received between 2016 and 2022. By the date of this notice the partners of Mount Pleasant Medical Centre (“the Surgery”) had not issued a substantive response to this request.
2. The Commissioner’s decision is that the Surgery 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 the Surgery to take the following step to ensure compliance with the legislation.
 - The Surgery must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Surgery 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

5. On 14 January 2023, the complainant wrote to the Surgery and requested information in the following terms:

"Under the freedom of information act please could you kindly provide me with the following :

1) How many FOI requests has Mount Pleasant Medical Centre received annually (January - December) from 2016 to 2022

2) How many FOI requests has Mount Pleasant Medical Centre acknowledged within 3 working days annually (January - December) from 2016 to 2022

3) How many FOI requests has Mount Pleasant Medical Centre provided the information requested within 20 working days annually (January - December) from 2016 to 2022

4) How many FOI requests has Mount Pleasant Medical Centre refused annually (January - December) from 2016 to 2022

5) How many FOI requests has Mount Pleasant Medical Centre been notified by the ICO (Information Commissioners Office) annually (January - December) from 2016 to 2022"

6. To date, a substantive response has not been issued.

Reasons for decision

7. 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."

8. 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".

9. On 4 April 2023 the Commissioner wrote to the Surgery, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

10. The Surgery contacted the Commissioner on 14 April 2023 and stated that it had provided a number of responses to the complainant. The Commissioner noted, however, that the responses provided were for other requests and not the request concerned in the complaint. Therefore, the Surgery has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the Surgery did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Surgery 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

12. 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

13. 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.
14. 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