

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 9 November 2023

**Public Authority:** General Dental Council  
**Address:** 37 Wimpole Street  
London  
W1G 8DQ

#### Decision (including any steps ordered)

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1. The complainant requested information from the General Dental Council (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority 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.

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

## Request and response

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5. On 27 July 2023, the complainant wrote to the public authority and requested information in the following terms:

"Please let me know the following.

1. Did the GDC receive communications (to include emails, letters and/or phone calls) between the 7th June 2022 and 5th May 2023 from parties within NHSE, NHS BSA, DHSC, HMG or any other interested parties regarding any aspect/s of the [redacted] appeal, or any aspects of next steps pertinent to the GDC after said appeal (to include the failed GDC appeal announced [date redacted])?

2. Did the GDC send communications (to include emails, letters and/or phone calls) between the 7th June 2022 and 5th May 2023 to parties within NHSE, NHS BSA, DHSc, HMG or any other interested parties regarding any aspect/s of the [redacted] appeal, or any aspects of next steps pertinent to the GDC after said appeal (to include the failed GDC appeal announced [date redacted])?

3. If any communications as stated above were received or sent by the GDC. Please give details of the dates sent/ received, from which party to which party, and the contents of said communications. Where required by law, names can be redacted.

4. If any communications as stated above were received or sent by the GDC, please state whether replies were received/sent and give full details of each communication stream with dates, parties involved and the contents of said communications. Where required by law, names can be redacted."

## Reasons for decision

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6. 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."

7. 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".
8. On 3 October 2023, the Commissioner wrote separately to the public authority about two information requests made to it by this complainant, both on the same day. The Commissioner reminded the public authority of its responsibilities and asked it to provide a substantive response to each of the complainant's requests within 10 working days.
9. Whilst the public authority did then respond to one of the requests, it has failed to provide the complainant with a response to this particular request.
10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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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11. 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)

12. 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.
13. 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 .....**

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