

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 May 2024

Public Authority: Oxford University Hospitals NHS Foundation Trust

Address: John Radcliffe Hospital
Headly Way
Headington
Oxford, OX3 9DU

Decision (including any steps ordered)

1. The complainant has requested information from Oxford University Hospitals NHS Foundation Trust (the Trust). By the date of this notice 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 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 steps to ensure compliance with the legislation.
 - provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take these steps within 30 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.

¹ 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

5. On 20 February 2024 the complainant made the following request to the Trust:

"...regarding Horton General and John Radcliffe Hospital:

When the Covid pandemic was first announced, how many beds were set aside to specifically treat Covid patients?

In the six months thereafter:

What was the average daily occupancy of those Covid beds?

How many patients were treated for symptoms of Covid?

How many patients attended for other reasons but subsequently tested positive for Covid?

How many were treated in critical care for Covid specifically?

How many died where the primary reason for the cause of death was Covid?"

Reasons for decision

6. 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."

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 1 May 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

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

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

Website: 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.

[Signatory Name]

[Signatory Title]

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

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