

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 8 August 2024

**Public Authority:** Epsom & St Helier University Hospitals NHS Trust

**Address:** Wrythe Lane  
Carshalton  
Surrey  
SM5 1AA

#### Request:

The complainant requested information from Epsom & St Helier University Hospitals NHS Trust about Gender reassignment and/or transgender guidance and policies:

“Please provide:

- 1) Gender reassignment and/or transgender guidance and policies relating to staff
- 2) Gender reassignment and/or transgender guidance and policies relating to patients including policies on mixed sex /same sex accommodation
- 3) Related Equality Impact Assessments if separate

As this is a simple request for guidance and policies which requires no email search or redaction, I look forward to a swift response and remind you of your obligation to respond promptly under FOIA section 10(1). 20 days is a long stop for responses, not the deadline. See ICO guidance <https://ico.org.uk/for-organisations/foi..>”

#### Commissioner's Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. On 22 July 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. The public authority has failed to respond by this date. Based on the evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore, the Commissioner finds a breach of section 10.

**Steps:**

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step 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 FOIA and may be dealt with as a contempt of court.

**Right of Appeal:**

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)

**Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.**

**Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**