

## FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

### DECISION NOTICE

Dated 23<sup>rd</sup> September 2005

**Name of Public Authority:** Medicines and Healthcare Products  
Regulatory Agency

**Address of Public Authority:** Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint that on 28 January 2005 the following information was requested from the Medicines and Healthcare Products Regulatory Agency (the "MHRA") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"All information in MHRA possession, connected with Corin C-FIT prosthesis failures including the number of failures reported and the location and whereabouts of these faulty prostheses."

It is alleged that the MHRA failed to respond to the request within the statutory time period of 20 working days.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The MHRA did not respond to the complainant's request for information until 7 June 2005. Therefore, the Commissioner's decision in this case is that the MHRA has not dealt with the complainant's request in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 1(1) of the Act states :

“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.”

Section 10(1) states:

“..... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

### **Action Required**

In view of the fact that the MHRA responded to the request on 7 June 2005, the Commissioner does not require any further action to be taken.

### **Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 23rd day of September 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF