

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 8 December 2005

Name of Public Authority: South and East Belfast Health and Social Services Trust

Address of Public Authority: Trust Headquarters
Knockbracken Healthcare Park
Saintfield Road
Belfast
BT8 8BH

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on 1 August 2005 the following information was requested from South and East Belfast HSS Trust (the "Trust") under section 1 of the Freedom of Information Act 2000 (the "Act"):

"copies firstly, of all correspondence in relation to my mother's care to date and secondly in relation to this complaint"

It is alleged that the Trust failed to respond to the complainant's request within the statutory period of time.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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 Information Commissioner is satisfied that the Trust did not respond to the Complainant's request, dated 1 August 2005, until 4 November 2005. The Commissioner's decision in this case is that the Trust 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 10(1) of the Act 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 Trust responded to the Complainant's request on 4 November 2005 the Information Commissioner hereby gives notice that, in exercise of his powers under section 50 of the Act, he does not require any remedial steps to be taken by South and East Belfast Health and Social Services Trust.

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: informationtribunal@dca.gsi.gov.uk
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 8th day of December 2005

Signed:

Graham Smith
Deputy Commissioner
Information Commissioner' Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF