

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 April 2016

Public Authority: Northern Ireland Ambulance Service

Address: Site 30
Knockbracken Healthcare Park
Saintfield Road
Belfast
BT8 8SG

Decision (including any steps ordered)

1. The complainant has requested information from the Northern Ireland Ambulance Service (NIAS) in relation to a procurement exercise regarding the provision of a Non-Emergency Patient Transport Service. The NIAS has not to date provided a response to the complainant's request.
2. The Commissioner's decision is that the NIAS has breached sections 1(1) and 10(1) of FOIA.
3. The Commissioner requires the NIAS to take the following steps to ensure compliance with the legislation.
 - To provide a full response to the complainant's request
4. The NIAS must take these steps 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 11 August 2015, the complainant wrote to the NIAS and requested information in relation to the procurement exercise as mentioned in paragraph 1 of this Notice.

6. The NIAS acknowledged the complainant's request on 12 August 2015. On 10 September 2015 the complainant again wrote to the NIAS stating that it had not provided him with a response to his request within the 20 working day statutory time limit as set out in section 10(1) of FOIA.
7. On 21 September 2015 the complainant telephoned a member of the NIAS staff to enquire about the requested information. The complainant and the NIAS agreed a 10 working day extension to the time limit, meaning that a response to the request should have been provided by the NIAS to the complainant by 5 October 2015.
8. On 9 October 2015 the complainant again contacted the NIAS as he had still not received a response to his request. Following further correspondence and discussions between the complainant and the NIAS, the complainant then contacted the Commissioner.

Scope of the case

9. The complainant contacted the Commissioner on 23 November 2015 to complain that he had still not received a response to his request and it was by now well beyond the 20 working day statutory time limit and the agreed extension. The Commissioner contacted the NIAS on 10 March 2015, once the complaint had been allocated to a case officer.
10. The NIAS has still not to date provided a response, despite confirming to the Commissioner that it was prioritising the complainant's request.
11. The Commissioner has considered the NIAS' handling of the complainant's request.

Reasons for decision

Section 10(1): Time for compliance

12. Section 1(1)(a) of FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
13. Section 10(1) requires that the public authority comply with section 1 promptly and in any event no later than 20 working days after the date of receipt of the request.
14. The Commissioner notes that the complainant's request for information was made on 11 August 2015, however he did not, and has not to date, received any information, or a valid refusal notice.

From the information provided to the Commissioner in this case it is evident that the Commissioner did not respond to the complainant under FOIA within the statutory time frame and therefore it has breached section 10(1) of FOIA.

15. The NIAS has not confirmed that it holds information within the scope of the complainant's request and has not to date provided any information in relation to that request. Therefore it has breached section 1(1) of FOIA.

Right of appeal

16. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Deirdre Collins
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF