

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 May 2016

**Public Authority** North Cumbria University Hospital Trust  
**Address:** Cumberland Infirmary  
Newtown Road  
Carlisle  
Cumbria  
CA2 7HY

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the Cumberland Infirmary Ophthalmic Department. North Cumbria University Hospital Trust (the Trust) responded to the request outside of the statutory time for compliance.
2. The Commissioner considers that the Trust breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires no steps to be taken.

### Request and response

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4. On 3 February 2016 the complainant made the following request to the Trust:

"1. Does the Cumberland infirmary ophthalmic dept, refer patients to social services ROVI, for those who have disabilities or/and other problems associated with their visual problems.

2. Secondly, what steps/adjustments have the Cumberland infirmary ophthalmic dept, taken to in response to a memo/email/correspondence sent to all ophthalmic surgeons in England by the royal society of ophthalmologists, in relation to those with learning disabilities and a visual problems as patients of the hospital."

5. On 18 April 2016 the Trust responded to the request.

### **Scope of the case**

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6. The complainant contacted the Commissioner on 30 March 2016 to complain about the way his request for information had been handled.
7. The Commissioner has considered whether the Trust dealt with this request in accordance with its obligations under section 10(1) FOIA.

### **Reasons for decision**

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8. Section 10(1) provides that:

*"Subject to subsections (2) and (3), 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."*

9. Section 1(1) provides 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."*

10. The request was made on 3 February 2016 and a response was not provided until 18 April 2016. The Commissioner therefore finds that the Trust breached section 10(1) FOIA in failing to respond within 20 working days.

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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.

**Signed** .....

**Gemma Garvey**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**