

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 November 2016

Public Authority: North East London NHS Foundation Trust
Address: Goodmayes Hospital
157 Barley Lane
Ilford
Essex
IG3 8XJ

Decision (including any steps ordered)

1. The complainant made a freedom of information request to North East London NHS Foundation Trust ("the Trust") for information about BCG injections administered by the Trust.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA by failing to provide a response within 20 working days. However, as a response has now been provided the Commissioner requires no steps to be taken.

Request and response

3. On 8 September 2016 the complainant made a freedom of information request to the Trust which read as follows:

*"1. How many children and babies were not giving BCG injections by NELFT in Barking and Dagenham between 01.04.15 and 07.09.17?
2. Can you give a breakdown of ethnicity and religion of the children that were not given BCG injections by NELFT."*
4. The Trust acknowledged the request as received and on 10 October 2016 asked the complainant to agree to an extension for responding.

After failing to respond within the agreed extended deadline the complainant wrote to the Commissioner.

Scope of the case

5. On 2 November 2016 the complainant contacted the Commissioner to complain about the Trust's failure to respond to his request.
6. During the course of the Commissioner's investigation the Trust confirmed it had now responded to the complainant's request. The complainant confirmed a response was received on 2 November 2016 stating that the information was not held.
7. Despite receiving a response the complainant asked the Commissioner to issue a decision notice highlighting the delays in receiving this response. The Commissioner therefore considers the scope of this decision notice is to consider whether the Trust breached the statutory time for compliance in its handling of the request.

Reasons for decision

Section 10 – time for compliance

8. Section 1 of FOIA provides for a general right of access to information held by public authorities. Section 10(1) provides that a public authority must comply with section 1 promptly and in any event not later than the twentieth working day following the date of receipt of a request for information.
9. In this case the complainant made his request for information on 8 September 2016 and did not receive a response, stating the information was not held, until the 2 November 2016. Therefore the Commissioner has found that the Trust breached section 10(1) of FOIA in its handling of the request.

Right of appeal

10. 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

11. 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.
12. 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

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