

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 March 2018

Public Authority: North West Boroughs Healthcare NHS Trust
Address: Hollins Park House
Hollins Park Hospital
Hollins Lane
Warrington
WA2 8WA

Decision (including any steps ordered)

1. The complainant has requested the trust to disclose a copy of its policy surrounding engagement. The trust provided a copy of the requested information to the complainant but failed to respond to the request within 20 working days of receipt.
2. The Commissioner's decision is that the trust has breached sections 1 and 10 of the FOIA in this case. But as the complainant is in receipt of the requested information, she requires no further action to be taken.

Request and response

3. On 14 February 2017, the complainant wrote to the trust and requested information in the following terms:

"...please send me a copy of your '*policy surrounding engagement*' that you mention in your 26/01/17 email."
3. The trust acknowledged receipt of this request on 14 February 2017.
4. As the complainant had received no response, he chased the trust on 24 March 2017.
5. The trust responded on 4 April 2017. It attached a copy of the relevant policy.

6. The complainant requested an internal review on 15 April 2017.
7. The trust carried out an internal review and notified the complainant of its findings on 11 May 2017. It confirmed to the complainant that he had received the latest version of the policy and apologised for the delay in responding to the request. It stated that the officer dealing with the email of 14 February 2017 did not fully recognise that it contained a request for information.

Scope of the case

8. The complainant contacted the Commissioner on 8 August 2017 to complain about the way his request for information had been handled. He stated that the trust failed to:
 - Confirm or deny whether they held all the information specified in the request.
 - Provide him with a copy of the information he requested.
 - Provide a proper/valid refusal notice.
12. The Commissioner notes that the complainant is in receipt of the requested information. She therefore considers the scope of this investigation is to determine whether there has been any procedural breaches of the FOIA.

Reasons for decision

13. Section 1 of the FOIA states 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.
14. Section 10(1) of the FOIA states 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 day following the date of receipt.
15. It is noted that the trust failed to respond to the complainant's request of 14 February 2017 within 20 working days of receipt. The Commissioner therefore considers in this case that the trust has breached sections 1 and 10 of the FOIA. It failed to respond to the

request in 20 working days of receipt. This is a breach of section 10 of the FOIA. It also failed to inform the complainant within 20 working days of receipt of the request that it holds the requested information and to communicate the information to him. This is a breach of section 1 of the FOIA.

16. The Commissioner has therefore recorded a breach of sections 1 and 10 of the FOIA in this case.
17. The Commissioner finds no breach of section 17 of the FOIA. This section is only required if the public authority holds recorded information falling within the scope of the request and considers some or all of it is exempt under Part II of the FOIA. The requested information was disclosed in this case. There was no information withheld under Part II of the FOIA this case and therefore no requirement to issue a valid refusal notice in accordance with section 17 of the FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Samantha Coward
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SK9 5AF