

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 March 2019

Public Authority: NHS South Worcestershire
Clinical Commissioning Group

Address: The Coach House
John Comyn Drive
Perdiswell
Worcester
WR3 7NS

Decision (including any steps ordered)

1. The complainant has requested from NHS South Worcestershire Clinical Commissioning Group (the CCG) email addresses held of its member GP practices.
2. The Commissioner's decision is that the CCG failed to provide the complainant with a copy of the requested information within the required timeframe and has therefore breached section 10 of the FOIA.
3. As the CCG has now disclosed the information to the complainant, the Commissioner does not require any further steps to be taken.

Request and response

4. On 23 September 2018 the complainant wrote to the CCG and requested information in the following terms:

"Can you please provide a list of email addresses for the Gp surgeries that you commission"

5. On 25 September 2018 the CCG responded. It said it has 31 member practices and provided a link to a section of its website that lists all the practices by name. It instructed the complainant to search each practice by name on the NHS Choices website and he would then be provided with the practice's email address.
6. On 17 October 2018 the CCG conducted an internal review and wrote to the complainant maintaining its position. It said that it had applied section 21 of the FOIA to the request. It then said that it could have explained in more detail how to obtain the requested information using the link provided to its website. It said that if the complainant clicked on each of the practices on the list then as the name is a 'quick link' this would take him to the practice's website. Once on the practice's homepage; he could then click on the 'contact us' button/section and this would bring up details of how to contact the practice. It said that in some cases this instead provides a form to complete. It said that in accordance with its duty under section 16 of the FOIA it has provided advice and assistance necessary for the complainant to obtain the information directly from the member practices.

Scope of the case

8. On 17 October 2018 the complainant contacted the Commissioner to complain about the way his request for information had been handled.
9. On 8 January 2019 the CCG reconsidered the request and wrote to the complainant attaching a copy of the requested information.
10. On 9 January 2019 the complainant contacted the Commissioner and asked for a decision because the CCG had failed to provide the information within its initial response and the required timeframe.
11. The Commissioner has considered whether the CCG handled the request in accordance with section 1 and 10 of the FOIA.

Reasons for decision

Section 1 of the FOIA – information held / not held

12. Section 1(1) of FOIA states that: any person making a request for information to a public authority is entitled to be informed in writing by

the public authority whether it holds the information within the scope of the request, and if so, to have that information communicated to him.

Section 10 of the FOIA – time for compliance

13. Section 10 of the FOIA states that a public authority must discharge its duties under Section 1(1) *“promptly and in any event not later than the twentieth working day following the date of receipt.”*
14. In this case, the CCG failed to provide the complainant with a copy of the requested information within 20 working days and has therefore breached section 10 of the FOIA.

Right of appeal

15. 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

16. 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.
17. 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

**Pamela Clements
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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**