

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 June 2019

Public Authority: Oxford University Hospitals NHS Foundation Trust

Address: John Radcliffe Hospital
Headley Way
Headington
Oxford
OX3 9DU

Decision (including any steps ordered)

1. The complainant has requested communications relating to infected blood and blood products within a specified time period. Oxford University Hospitals NHS Foundation Trust ("the Trust") had not responded to the request at the time of this notice.
2. The Commissioner's decision is that the Trust has failed to comply with its obligations under section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must issue a substantive response to the request in accordance with its obligations under the FOIA.

Request and response

4. On 7 March 2019 the complainant made a request to the Trust in the following terms:

"a) Copies of emails and other correspondence between the Haemophilia Centre Director and other members of staff, during the period 1st June 2018-31st December 2018, that relate to: Infected Blood / Infected Blood Products / Infected Blood Inquiry / Contaminated Blood"

5. The request was acknowledged on 7 March 2019 and the complainant chased up a response on 6 April 2019. The Trust wrote to the complainant on 8 April 2019 stating the response was still being collated.
6. The Commissioner wrote to the Trust on 14 May 2019 to establish if a response had been sent. The Trust confirmed on 16 May 2019 it was still processing the request. The complainant wrote to the Commissioner on 30 May 2019 stating that a response had still not been received.

Scope of the case

7. The complainant contacted the Commissioner on 13 May 2019 to complain about the failure by the Trust to respond to his request.
8. The Commissioner considers the scope of her investigation to be to determine if the Trust has complied with its obligations under section 10(1) of the FOIA.

Reasons for decision

9. Section 1(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."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
11. From the evidence provided to the Commissioner in this case, it is clear that the Trust has not dealt with the request for information in accordance with the FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

12. 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@justice.gov.uk

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

13. 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.
14. 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