

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 January 2022

Public Authority: Norfolk and Norwich University Hospitals NHS Foundation Trust

Address: Norfolk and Norwich University Hospital
Colney Lane
Norwich
NR4 7UY

Decision (including any steps ordered)

1. The complainant has requested information relating to spending for translation and interpretation services.
2. The Commissioner's decision is that Norfolk and Norwich University Hospitals NHS Foundation Trust (the Trust) failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of the FOIA.
3. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation:
 - Issue a response, in accordance with its obligations under the FOIA, to the request.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 2 November 2021 the complainant wrote to the Trust and requested information in the following terms:

"I would like to submit an FOI request for the total spend on all translation and interpreting services (translation, interpreting, including translation and interpreting services for the deaf and blind such as BSL - no split necessary per type of service) for 2015/2016, 2016/2017, 2017/2018, 2018/2019 and 2019/2020?"

6. The Trust failed to acknowledge receipt of the request and had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 2 December 2021 to complain about the way their request for information had been handled, specifically the fact that a response was yet to be provided.
8. The complainant informed the Commissioner that they had chased the Trust for a response to their request on 30 November 2021.
9. Therefore, the Commissioner considers the scope of this investigation to be to determine whether the Trust has complied with section 10 of the FOIA.

Reasons for decision

10. Section 1(1) (general right of access to information held by public authorities) 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.*

11. Section 10 time (for compliance with the request) of the FOIA states that:

"...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."

12. The request was made on 2 November 2021 and therefore a response should have been provided to the complainant no later than 30 November 2021.

13. In line with his established processes, the Commissioner contacted the Trust on 13 December 2021 to highlight the outstanding response. Taking into account the front-line pressures that the NHS is facing during the coronavirus pandemic, the Commissioner requested that a response was provided to the request within 20 working days of receiving the Commissioner's correspondence. The Commissioner also provided guidance designed to aid the public authority in its handling of requests received under the FOIA.
14. The Trust acknowledged the Commissioner's correspondence on the same day.
15. On 14 January 2022 the complainant wrote to the Commissioner and explained that the Trust was still yet to provide a substantive response to their request for information.
16. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in its handling of this request. He also notes that the Trust failed to provide its response within the timeframe provided to it by the Commissioner on 13 December 2021.

Right of appeal

17. 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

18. 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.
19. 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

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