

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 January 2023

Public Authority: South East Coast Ambulance Service NHS
Foundation Trust

Address: Trust Headquarters
Nexus House
4 Gatwick Road
Crawley
West Sussex
RH10 9BG

Decision (including any steps ordered)

1. The complainant has requested information about ambulance handovers.
2. South East Coast Ambulance Service NHS Foundation Trust (the Trust) provided the requested information outside of the statutory time for compliance.
3. The Commissioner's decision is that the Trust breached section 10(1) FOIA in its handling of this request.
4. The Commissioner requires no steps to be taken.

Request and response

5. The complainant made the following information request on 7 April 2022:

"Under the Freedom of Information Act, could you provide me with a database extract for the period from April 1, 2019 to March 31, 2022 with data for every ambulance handover, containing columns for:

A&E department where handover took place

date or month of handover

notification time or time ambulance arrived at A&E

time handover took place/handover time/turnaround time

level of call the ambulance was on (e.g. Category 1 etc.).

Please provide the information as a spreadsheet or CSV files.”

6. The Trust responded on 18 May 2022 withholding some information and the complainant assumed that the Trust was relying upon section 40(2) FOIA (third party personal data) although this was not specified by the Trust. The complainant requested an internal review on 30 May 2022. On 8 August 2022 the Trust provided the internal review releasing the information which had been withheld.

Scope of investigation

7. The Commissioner has considered whether the Trust complied with section 10(1) FOIA in its handling of this request.

Reasons for decision

Section 10(1)

8. Section 1(1) of 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.”

9. Section 10(1) of 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”.

10. In this case the request was made on 7 April 2022 and the Trust did not release all information held until 8 August 2022. The Commissioner finds that the Trust has breached section 10(1) FOIA by failing to comply with section 1(1)(b) FOIA within 20 working days.

Other matters

11. Whilst there is no statutory time limit for completing an internal review, the Commissioner considers that a reasonable time for completing an internal review is 20 working days after the date of the request for review. The maximum amount of time taken should not be more than 40 working days. This longer period may be justified if an internal review is complex, requires consultation with third parties or there is a high volume of relevant information covered by the request. There will only occasionally be legitimate reasons why an extension longer than 40 working days is needed.
12. In this case the Trust took over 40 working days to complete the internal review.

Right of appeal

13. 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

14. 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.
15. 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.....

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