

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 25 March 2015

**Public Authority:** Moorfields Eye Hospital NHS Foundation Trust  
**Address:** 162 City Road  
London  
EC1V 2PD

### Decision (including any steps)

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1. The complainant has requested correspondence containing the words terms "Oculentis" or "Mplus" or "MplusX" and to date he has not received a response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days. He requires it to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. 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 Information 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

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3. On 9 January 2015, the complainant wrote to the public authority and requested information in the following terms:

*'to provide our client with copies of all emails from Mr A (name redacted) using his Moorfields email address which contains the terms "Oculentis" or "Mplus" or "MplusX".'*

4. On 13 January 2015 the public authority acknowledged the response to the complainant, allocated a reference number, and requested additional time but has not yet issued a response to the complainant.
5. The complainant wrote to the Information Commissioner on 3 March 2015.
6. The Commissioner wrote to the public authority on 6 March 2015 instructing it to issue an adequate response to the complainant within 10 working days. The Commissioner wrote again on 24 March 2015 and received a response stating that

*'The information sought ... is very sensitive in nature and disclosure would have a number of repercussions. There are a number of exemptions that apply to the information and we are in the process of finalising our response to ensure that it sets out our position clearly. We are also seeking legal advice on this request. We hope that we will be able to provide (name redacted) with our response by Friday 27 March and will of course respond earlier if possible.'*

## **Reasons for decision**

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7. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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10. 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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

11. 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.
12. 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  
Group Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**