

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 January 2018

Public Authority: Cassio Surgery

Address: Colne House
21 Upton Road
Watford
WD18 0JP

Decision (including any steps ordered)

1. The complainant has requested information relating to the prescribing of Dexamethasone and Cyclophosphamide.
2. The Commissioner's decision is that Cassio Surgery (the surgery) has not provided a response to the complainant within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a written response in accordance with its obligations under the FOIA.
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 9 August 2017, the complainant wrote to the surgery and requested information in the following terms:

Are you able to freely prescribe Dexamethasone and Cyclophosphamide medications?

What symptoms/indications have to be present in the patient before you freely prescribe Dexamethasone and Cyclophosphamide?

Are you able to tell me from what year/month you were able to freely prescribe Dexamethasone and Cyclophosphamide?

6. At the time of this decision notice, the surgery has not provided any response.

Scope of the case

7. The complainant initially contacted the Commissioner 29 September 2017 to complain that he had not received a response from the surgery. The Commissioner contacted the surgery on 4 October 2017 advising it should provide a response within 10 working days.
8. The Commissioner received an automatic acknowledgement from the surgery's email account. However neither she, nor the complainant has received any further communication from the surgery.

Reasons for decision

Section 10 – time for compliance

9. 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.
10. Section 8(1) of the FOIA states that requests for information should be in writing, bear the name and address of the applicant, and describe the information requested. The Commissioner considers that the request in this case fulfilled these criteria, and therefore constituted a valid request under the FOIA for recorded information.
11. Section 10(1) of the FOIA provides 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. From the information provided to the Commissioner it is evident that the public authority did not respond to the complainant within the statutory timeframe in respect of this request.

Conclusion

12. The Commissioner's decision is that surgery did not deal with the request for information in accordance with the FOIA. In this case the surgery has breached section and 10(1) by failing to respond to the request within 20 working days.

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@hmcts.gsi.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

Pamela Clements
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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF