

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 26 July 2018

Public Authority: NHS Nene Clinical Commissioning Group
Address: Francis Crick House
6 Summerhouse Road
Moulton Park Industrial Estate
Northampton
NN3 6BF

Decision (including any steps ordered)

1. The complainant requested the contact details of the Medical Director and confirmation that this individual was still the Executive Lead for safeguarding within the organisation.
2. The Commissioner's decision is that NHS Nene Clinical Commissioning Group ("the CCG") failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has now been issued, the Commissioner does not require the CCG to take any further steps.

Request and response

4. On 18 May 2018, the complainant wrote to the CCG and requested information in the following terms:
"Having looked at your website - could I also request under FOIA a direct email for Matthew Davies, Medical Director.
"Could you also confirm if he is still Executive lead for safeguarding for Nene CCG?"
5. The CCG did not provide a response until 6 July 2018.

Scope of the case

6. The complainant contacted the Commissioner on 26 June 2018 to complain about the failure, by the CCG, to respond to the request.
7. In line with her usual practice, the Commissioner contacted the CCG on 13 July 2018 to highlight the delayed response.
8. The Complainant contacted the Commissioner on the same day to state that the CCG had now issued a response, but he requested a decision notice recording the late response.

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 8(1) of the FOIA states:

In this Act any reference to a "request for information" is a reference to such a request which –

- (a) is in writing,*
- (b) states the name of the applicant and an address for correspondence, and*
- (c) describes the information requested.*

11. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.
12. Section 10 of the FOIA states that responses to requests made under the Act must be provided "*promptly and in any event not later than the twentieth working day following the date of receipt.*"
13. From the evidence presented to the Commissioner in this case, it is clear that, in failing to issue a response to the request within 20 working days, the CCG has breached Section 10 of the FOIA.

Right of appeal

14. 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

15. 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.
16. 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

Ben Tomes
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF