

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 October 2018

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

Decision (including any steps ordered)

1. The complainant requested the GMC registration number of a doctor within NHS NENE Clinical Commissioning Group (the CCG).
2. The Commissioner's decision is that the CCG failed to respond to the request within 20 working days and therefore breached Section 1 and 10 of the FOIA.
3. As a response has now been issued, the Commissioner does not require any further steps to be taken.

Request and response

4. On 17 August 2018, the complainant wrote to the doctor copying in the CCG and requested information in the following terms:

"Could you give me your GMC Registration number – thank you"
5. The CCG wrote to the complainant on 21 August 2018 and asked him to confirm that he was requesting the GMC registration number of the

doctor the request was sent to. The Complainant replied on the same day confirming that this was correct.

6. The CCG then sent an email to the complainant on 27 September 2018 attaching its response dated 24 September 2018 providing the requested information.

Scope of the case

7. The complainant contacted the Commissioner on 27 September 2018 to complain about the way his request for information had been handled and he specifically requested a decision notice recording the late response provided by the CCG.

Reasons for decision

8. 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."

9. The Commissioner considers that the request in question fulfilled these criteria and therefore constituted a valid request for recorded information under the FOIA.

10. 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."

11. Section 10 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. 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 1 and 10 of the FOIA.

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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SK9 5AF**