

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 September 2020

Public Authority: General Optical Council
Address: 10 Old Bailey
London
EC4M 7NG

Decision (including any steps ordered)

1. The complainant requested copies of original statements issued in or around March 2020 by the General Optical Council (GOC) regarding the suspension of routine services and suggestions about other procedural changes in response to the Covid-19 pandemic. By the date of this notice the GOC had failed to issue a substantive response to this request.
2. The Commissioner's decision is that the GOC failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the GOC to take the following steps to ensure compliance with the legislation.
 - Issue a substantive response, under the FOIA, to the request.
4. The GOC 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 18 June 2020, the complainant wrote to the GOC and requested information in the following terms:

"In or around March 2020, you issued a statement in support of suspending routine services and limiting registrants to only providing essential and urgent, emergency or acute care. It was published along with other Covid-19 statements and guidance.

A reference to it is made here:

<https://assets.change.org/photos/4/oc/jx...>

*Please provide a copy of the statement as it *originally* appeared on your website when it was first published.*

Please also provide a copy of the original statement referred to here from 19 March (which was updated in May), if different to that requested above:

<https://www.optical.org/filemanager/root...>

Please also provide a copy of the statement which could previously be found here, if different to that requested above:

<https://www.optical.org/filemanager/root...>"

6. The GOC had failed to provide a substantive response by the date of this notice.

Scope of the case

7. The complainant contacted the Commissioner on 9 August 2020 to complain about the failure, by the GOC, to respond to the request.
8. In line with her usual practice, the Commissioner contacted the GOC on 27 August 2020 to highlight the outstanding response. She requested that the GOC respond to the request within 10 working days. The correspondence was neither acknowledged nor responded to.
9. The complainant contacted the Commissioner on 21 September 2020 to request a decision notice considering the GOC's compliance with the FOIA.
10. The scope of this notice and the following analysis is to consider whether the GOC has complied with section 10 of the FOIA.

Reasons for decision

11. 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.*

12. 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.*

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

14. 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.*"

15. 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 GOC has breached section 10 of the FOIA.

Right of appeal

16. 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

17. 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.
18. 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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