

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 June 2021

Public Authority: Department of Health and Social Care
Address: 39 Victoria Street
London
SW1H 0EU

Decision (including any steps ordered)

1. The complainant requested from the Department of Health and Social Care ("DHSC") information relating to a report concerning a vaccination consultation.
2. The Commissioner's decision is that DHSC failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.
3. As a response has subsequently been provided no steps are required.

Request and response

4. On 10 November 2020, the complainant wrote to the DHSC and requested information in the following terms:

"Please provide copy of the summary report generated from the recent consultation regarding vaccinations, that was published on gov.uk and received 191,740 responses, including 3,700 email responses.

The extent of information required, which I assume would be in the report (or at least in the executive summary), being the sum numbers for those responses for (in favour) and those responses against (not in favour) in relation to the question set if these are

- in the report and the executive summary of public consensus or objection to the proposals, conclusions/recommendations.”
5. The DHSC wrote to the complainant on 10 November 2020 to acknowledge the request.
 6. On 10 March 2021, as the complainant has not received a response, he wrote to the DHSC to ask for an update on the status of his request.
 7. The complainant contacted the Commissioner on 12 April 2021 to complain about the DHSC’s failure to respond to his request.
 8. The complainant also wrote to the DHSC on 12 April 2021 to ask for an update on the status of his information request.
 9. On 8 May 2021, as the complainant had not received a response to his request, he wrote to the DHSC again to ask for an update on the status of his request.
 10. The Commissioner contacted the DHSC on 18 May 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
 11. The Commissioner also contacted the complainant on 18 May 2021 to explain that the DHSC had been given 10 working days from that date within which to provide a response to their request.
 12. The DHSC responded to the complainant’s information request on 2 June 2021.

Scope of the case

13. On 14 June 2021, the complainant contacted the Commissioner to request a decision notice considering the DHSC’s compliance with the FOIA.
14. The scope of this notice and the following analysis is to consider whether the DHSC has complied with Section 10 of the FOIA.

Reasons for decision

15. Section 10 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.*
- 16. 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."*
- 17. The DHSC did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the DHSC breached section 10 of the FOIA.

Right of appeal

18. 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

19. 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.
20. 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

Susan Duffy
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF