

## FREEDOM OF INFORMATION ACT (SECTION 50)

### DECISION NOTICE

**Dated 20th July 2005**

**Name of Public Authority:** Royal United Hospital Bath NHS Trust

**Address of Public Authority:** Royal United Hospital Bath  
Combe Park  
Bath  
BA1 3NG

#### **Nature of Complaint**

The Information Commissioner (the "Commissioner") has received a complaint which states that on 6 January 2005 the Royal United Hospital Bath NHS Trust (the "Trust") received the following information request under the Freedom of Information Act 2000 (the "Act").

"A full copy of the Independent Review Report dated 28 December 1989, regarding care and treatment provided to the complainant by the Dermatology Clinic at the Royal United Hospital Bath".

Subsequently the following further information was requested.

"Not only if Royal United Hospital Bath held the Independent Review Report but if they had destroyed it and if so the date it was destroyed".

It is alleged that the Trust have failed to provide the complainant with the information requested.

#### **The Commissioner's Decision**

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner has a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

Section 1(1) of the Act states –

"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."

The Trust stated that they did not hold a copy of the information requested. The Trust did not exist at the time of the review which had been conducted by the Bath District Health Authority. Files of the type requested were ordinarily destroyed after 10 years.

The Information Commissioner is satisfied that the information requested is not held by the Trust and therefore cannot be provided to the complainant. Consequently, the Commissioner's decision in this case is that the Trust has dealt with the complainant's request in accordance with the requirements of Part I of the Act.

**Action Required**

In view of these matters the Commissioner hereby gives notice that in exercise of his powers under section 50 of the Act he does not require any remedial steps to be taken by the Trust.

**Right of Appeal**

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: <a href="mailto:informationtribunal@dca.gsi.gov.uk">informationtribunal@dca.gsi.gov.uk</a>
Leicester	
LE1 6ZX	

Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

Dated the 20th day of July 2005

Signed: .....

Graham Smith  
Deputy Commissioner

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF