

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 13 June 2018

**Public Authority:** NHS Devon Clinical Commissioning Group  
**Address:** Newcourt House  
Old Rydon Lane  
Exeter  
Devon  
EX2 7JQ

#### Decision (including any steps ordered)

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1. The complainant requested from NHS Devon Clinical Commissioning Group (DCCG) information regarding policies, procedures, practices, standards and guidelines.
2. The Commissioner's decision is that DCCG failed to respond to the request within the statutory time limit of 20 working days and has therefore breached section 10 of the FOIA.
3. As the requested information has now been provided, the Commissioner does not require DCCG to take any further steps.

#### Request and response

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4. On 20 October 2017 the complainant wrote to DCCG and requested information in the following terms:

*"1. NHS NEW Devon CCG PALS policies, procedures, practices, standards and guidelines"*

*2. NHS NEW Devon CCG Complaints policies, procedures, practices, standards and guidelines".*

5. On 21 November 2017 the complainant wrote to DCCG and asked for an internal review as she had not received an acknowledgement or a response to her request for information.
6. On 22 November 2017 DCCG responded to the request and disclosed some of the requested information.

## **Scope of the case**

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7. The complainant first contacted the Commissioner on 15 December 2017 and on 11 January 2018 to complain about the way her request for information had been handled. Specifically, about the time it took DCCG to respond to her request.
8. Further to the ICO's involvement, DCCG released further information relating to the complainant's request. However, the complainant remained dissatisfied as the information was disclosed outside of the statutory timeframe and she subsequently requested a decision notice for this case.
9. The following analysis covers whether DCCG breached section 10(1) of the FOIA - time for compliance.

## **Reasons for decision**

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### **Section 10 – time for compliance**

10. Section 1(1) of the FOIA provides 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(1) of the FOIA states:

*"Subject to sections (2) and (3), 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. In this case the request was made on 20 October 2017 and DCCG responded on 22 November 2017. From the evidence presented to the Commissioner, it is clear that in failing to issue a response to the request within 20 working days, DCCG has breached section 10 of the FOIA.
13. As DCCG has now issued a response to the request, the Commissioner does not require it to take any further steps.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**