

FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 23rd November 2005

Name of Public Authority: Gwent Healthcare NHS Trust

Address of Public Authority: Grange House
Llanfrechfa Grange
Cwmbran
NP44 8YN

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 14th January 2005 and further on the 22nd February 2005 the following information was requested from Gwent Healthcare NHS Trust ("Gwent Trust") under section 1 of the Freedom of Information Act 2000 (the "Act"):

A copy of the policy regarding non-urgent patient transport and any correspondence/emails relating to the matter.

It is alleged that Gwent Trust did not respond to the request within 20 working days.

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a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act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:

Gwent Trust responded specifically to the complainant's request by letter, dated 27th April 2005, informing him that the information requested does not exist at present. Gwent Trust is in the process of formulating a policy and state that they will supply the complainant with a copy of the policy once it is complete. This Decision Notice is concerned solely with the timeliness of the response made to the complainant's request.

In failing to respond to the complainant's requests, dated 14th January 2005 and 22nd February 2005, until 27th April 2005, Gwent Trust did not deal with the requests in accordance with the requirements of Part I of the Act in that it has failed to comply with section 10(1).

Section 10(1) states "...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."

Action Required

The Commissioner hereby gives notice that in exercising his powers under section 50 of the Act, he does not require any remedial steps to be taken by Gwent 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: informationtribunal@dca.gsi.gov.uk
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 23rd day of November 2005

Signed:

Graham Smith
Deputy Commissioner

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF