

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2012

Public Authority: Royal College of Veterinary Surgeons

Address: Belgravia House
62-64 Horseferry Road
London
SW1P 2AF

Decision (including any steps ordered)

1. The complainant wrote to the Royal College of Veterinary Surgeons and requested a full list of all Veterinary practices listed as Tier 2 and 3 hospitals in the UK. He did not receive a response within 20 working days and referred the case to the Information Commissioner ('the Commissioner').
2. After the Commissioner's intervention, a response was issued. The complainant asked the Commissioner to issue a decision notice to record the unacceptable delays that he experienced.
3. The Commissioner finds that the Royal College of Veterinary Surgeons breached section 10(1) because it failed to comply with section 1(1) of FOIA in 20 working days. It also breached sections 17(1) and 17(1)(b) in failing to issue a complete refusal notice within the same time period. He does not require any remedial steps to be taken because an appropriate response has now been issued.

Request and response

4. On 9 February 2011 the complainant wrote to the Royal College of Veterinary Surgeons and asked for:

'1. A full list of all Veterinary practices listed as Tier 3 Veterinary hospitals in the UK, please include contact details; and

2. A full list of all Veterinary practices listed as Tier 2 Veterinary hospitals in the UK, please include contact details.'

5. The Royal College of Veterinary Surgeons did not respond in 20 working days and the complainant referred this case to the Commissioner.
6. After the Commissioner's intervention, the Royal College of Veterinary Surgeons issued its refusal notice on 10 November 2011. It apologised for the delay in responding and explained that it considered that the requested information was available on its publication scheme and that section 21(1) applied to it. It explained that it would provide the information for a fee in accordance with its publication scheme.

Scope of the case

7. On 17 September 2011 the complainant contacted the Commissioner to complain about the way his request for information had been handled. In particular, he complained about the delays in not receiving a response.
8. On 13 December 2011, he confirmed that he wanted to receive a decision notice that focussed exclusively on the delays that he experienced.

Reasons for decision

9. The Commissioner has therefore considered the Royal College of Veterinary Surgeons' procedural compliance with FOIA.
10. Section 10(1) of FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days and comply with its obligations found in section 1 of the Act (subject to a limited number of exceptions none of which are relevant in this case).
11. The Royal College of Veterinary Surgeons did not respond to the request dated 9 February 2011 until 10 November 2011. It took longer than 20 working days and therefore breached section 10(1) of FOIA.
12. Section 17(1) of FOIA states that where a public authority is refusing a request it should issue a refusal notice within 20 working days. The Royal College of Veterinary Surgeons did not issue its refusal notice in 20 working days and also breached section 17(1) of FOIA.
13. Section 17(1)(b) of the FOIA explains that a refusal notice should state the exemption that is being relied upon. The Commissioner considers that the exemption should be stated down to subsection. The refusal notice failed to explain that the Royal College of Veterinary Surgeons

was relying on section 21(1) by virtue of section 21(3) and also breached section 17(1)(b).

Right of appeal

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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

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

Pamela Clements
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