

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 July 2013

Public Authority: Poole Hospital NHS Foundation Trust
Address: Longfleet Road
Poole
Dorset
BH15 2JB

Decision (including any steps ordered)

1. The complainant has requested information concerning how many High Court Writs had been served on behalf of Poole Hospital (the "Hospital") to patients' relatives since the year 2000.
2. The Commissioner's decision is that the Hospital did not deal with the request for information in accordance with the FOIA in the following way:
 - It failed to provide a response to the request within the statutory time frame of 20 working days.
3. As a response has now been provided, the Commissioner requires no steps to be taken.

Request and response

4. On 22 January 2012, the complainant wrote to the Hospital and requested information in the following terms:

"Please let me know how many High Court Writs have been served on behalf of Poole Hospital to patients' relatives since the year 2000".
5. The Hospital responded on 14 February 2013. It stated that no High Court Writs had been served to patients' relatives since the year 2000.

6. Following a request for an internal review the Hospital wrote to the complainant on 22 March 2013. It stated that after a full investigation into the complainant's request, one High Court Writ had been served on behalf of the Hospital to the patients' relatives since 2000.

Scope of the case

7. The complainant contacted the Commissioner on 11 April 2013 to complain about the way her request for information had been handled. Specifically she complained about the initial incorrect response and the length of time it took to provide the requested information.
8. The complainant believes the Hospital had deliberately attempted to conceal the fact that one High Court Writ had been served on behalf of the Hospital to patients' relatives since 2000.
9. At internal review, the Hospital apologised and explained the missed information was a genuine error. It explained the case in question had been considered in a County Court and part of its decision had been referred to the High Court.
10. As the Commissioner considers the internal review to be an opportunity for the public authority to reconsider its initial response, this case has only focused on the length of time it has taken the Hospital to respond to the request.

Reasons for decision

11. Section 10 (1) of FOIA states that a public authority in receipt of a request for information has a duty to respond within 20 working days.
12. From the information provided to the Commissioner in this case it is evident that the Hospital did not respond to the complainant within the statutory time frame.

Right of appeal

13. 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

14. 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.
15. 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

Rachael Cragg
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