

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 27 June 2016

**Public Authority:** Cardiff and Vale University Health Board  
**Address:** University Hospital of Wales  
Heath Park  
Cardiff  
CF14 4XW

#### Decision (including any steps ordered)

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1. The complainant requested information on how Cardiff and Vale University Health Board ('the Health Board') implemented recommendations arising from a report issued by the Public Services Ombudsman for Wales ('the Ombudsman'). The Health Board failed to respond within the statutory 20 working days prescribed by FOIA. The Commissioner's decision is that the Health Board breached section 10(1) of the FOIA as it did not respond to the request within the timescale for compliance. As a substantive response has been provided to the complainant, he does not require any remedial steps to be taken.

#### Request and response

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2. On 14 March 2016, the complainant wrote to the Health Board and requested information in the following terms:

"I was wondering if you could provide information/documents as to how, and if not why not, Ombudsman case 201101472 (see attached document) the 'within three months' provisions were enacted. I am not interested in the details of the original case only the going forward part.

My understanding is that the LHB accepted the Ombudsman's findings and then reneged. I would particularly like to know what Cardiff University funds and if/why this is classified as NHS treatment".

3. The complainant wrote to the Health Board on 23 April 2016 to chase a response to his request.
4. The Health Board responded to the request on 29 April 2016.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 9 May 2016 and asked him to issue a decision notice in respect of the Health Board's failure to respond to the request within the statutory timescale.

### **Reasons for decision**

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#### **Sections 1 and 10**

6. Sections 1 and 10 of the FOIA provide a general right of access to recorded information held by public authorities. These sections provide that when a written request for information is made, the public authority must state whether it holds that recorded information within 20 working days. If it does, it must provide that information within 20 working days unless a valid reason for not doing so exists under the FOIA. If such a reason does exist, a refusal notice should be issued in accordance with section 17 of the FOIA, again within 20 working days.
7. In this case the Health Board failed to respond to the request within the 20 working day timescale. By not complying with section 1(1) within twenty working days of receipt of the request, the Health Board breached section 10(1) of the FOIA.

## Right of appeal

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8. 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)

9. 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.
10. 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** .....

**Anne Jones**  
**Assistant Commissioner**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**