

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 January 2017

Public Authority: East London Health Trust
Address: Trust Headquarters
9 Alie Street
London E1 8DE

Decision (including any steps ordered)

1. The complainant has requested information relating to Trust staff and the complaint's procedure. The Trust has failed to respond to this request for information.
2. The Commissioner considers that the Trust breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 29 August 2016 the complainant made the following request to East London Health Trust:

"From January 2014 to present day:

- List of staff at Chronic Fatigue Service (formerly at Bartholomew's Hospital and now at St Leonard's Hospital).

This should include name, position/role, start date, end date (if appropriate), status changes (e.g. retired, leave of absence etc) and reporting structures within and to Trust board levels. Include dates of all changes.

- All sickness days of [named individual]. This should include the number of days taken and the dates themselves.
- List of staff at Complaint's Department and PALS Department.

This should include name, position/role, start date, end date (if appropriate), status changes (e.g. retired, leave of absence etc) and reporting structures within and to Trust board levels. Include dates of all changes.

- A copy of the NHS Complaint's Procedure."

6. The Trust has not provided a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 1 November 2016 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the Trust dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (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."

10. Section 1(1) 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. The request was made on 29 August 2016 and a response is yet to be provided. The Commissioner therefore finds that the Trust breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Gemma Garvey
Senior Case Officer

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