

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2017

Public Authority: NHS England
Address: 4N22 Quarry House
Quarry Hill
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant has requested from NHS England information regarding the costs connected with the development of the NHS Identity Research Document.
2. The Commissioner's decision is that NHS England has breached section 10(1) of 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:
 - NHS England must provide the complainant with a response to this request in accordance with its obligations under the 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 8 March 2017, the complainant wrote to NHS England and requested information in the following terms:

"I would like to make a request under the Freedom of Information Act for the following information:

- *the amount paid to Research Works (or any sub contractors) for all costs connected with the NHS Identity Research document, produced in June 2016*
- *any other costs associated with the development of this work borne by NHS England."*

6. NHS England acknowledged the request on 10 March 2017.
7. The complainant chased a response several times and on one occasion NHS England responded by apologising and stating that it would aim to provide a full response by 15 September 2017.
8. At the date of this decision notice NHS England had yet to respond substantively to this request.

Scope of the case

9. The complainant contacted the Commissioner on 5 September 2017 to complain about the way her request for information had been handled.
10. Following receipt of the complaint the Commissioner contacted NHS England, reminding it of its responsibilities and asking to respond to the complainant within 10 working days.
11. Despite this intervention NHS England has failed to respond to the complainant.

Reasons for decision

12. Section 10(1) of states 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."

13. The request was made on 8 March 2017 and a response has not been issued at the date of this decision notice. The Commissioner therefore finds that NHS England breached section 10(1) in failing to respond within 20 working days.

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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF