

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 18 December 2020

**Public Authority:** Norfolk and Norwich University Hospitals NHS Foundation Trust

**Address:** Colney Lane  
Norwich  
NR4 7UY

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the official address for Norfolk and Norwich University Hospital. Despite the intervention of the Commissioner, Norfolk and Norwich University Hospitals NHS Foundation Trust (the Trust) has not provided a response to the request in accordance with the FOIA.
2. The Commissioner's decision is that the Trust has failed to respond to the complainant's request within 20 working days of receipt and has therefore breached section 10(1) of the FOIA.
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 the 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

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5. On 25 August 2020, the complainant wrote to the Trust and requested information in the following terms:

*"Under the Freedom of Information Act, please can you disclose the official address for the Norfolk and Norwich University Hospital?"*

*I have been informed by Norfolk County Council's registrar that the address is "Colney, Norwich" when the hospital itself lists its address as "Colney Lane, Norwich". I am told this affects the place of birth stated on a certificate - the former resulting as "Colney" and the latter as "Norwich" - a fundamental difference and an important one too.*

*Can you also disclose if the address has ever been changed, and if this has been communicated to the General Register Office (whose computer systems I am told are used by local authorities to produce birth certificates). The Trust acknowledged receipt of the request on 4 August 2020."*

6. The Trust acknowledged receipt of the request on 25 August 2020.
7. The complainant followed up his request with the Trust on 29 September, 5 October and 13 October 2020.
8. To date, the complainant has not received a response to his request for information.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 20 October 2020 to complain about the way his request for information had been handled.
10. The Commissioner has considered whether the Trust dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

### **Reasons for decision**

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#### **Section 10 – time for compliance**

11. Section 1(1) of FOIA states any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject to the application of any exemptions that are appropriate.
12. Section 10(1) states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.

13. The request was made on 25 August 2020 and a response should have been provided no later than 22 September 2020.
14. On 10 November 2020, the Commissioner wrote to the Trust advising it to provide the complainant with a response that complies with the FOIA within 10 working days. She provided the Trust with a copy of the request. She also provided links to her guidance on the timescales for responding to a request for information and on refusing a request.
15. On 24 November 2020, the complainant confirmed to the Commissioner that he has still not received a response to the request.
16. The Commissioner wishes to place on record her understanding of the immense pressures placed on public authorities during the coronavirus pandemic. She is sympathetic to the difficult decisions such authorities must make, between prioritising front-line services and continuing to meet their obligations under the FOIA. The Commissioner has made it clear that she will allow flexibility where this is required by public authorities in order to respond to the pandemic.
17. However, in this case, the complainant submitted his request to the Trust on 25 August 2020 and to date has not received a response. The Commissioner therefore finds that the Trust has breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.

## Right of appeal

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18. 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@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

19. 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.
20. 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**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**