

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 July 2021

**Public Authority:** Camden and Islington NHS Foundation Trust  
**Address:** St Pancras Hospital  
4 St Pancras Way  
London  
NW1 0PE

#### Decision (including any steps ordered)

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1. The complainant requested information from Camden and Islington NHS Foundation Trust ("the Trust") about the employment and training of Trainee Clinical Psychologists.
2. The Commissioner's decision is that the Trust has failed to complete its deliberations on the balance of the public interest within a reasonable time and has therefore breached section 17(3) of the FOIA.
3. As the request has since been responded to, the Commissioner does not require the Trust to take any further steps in relation to this complaint.

#### Request and response

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4. On 9 March 2021, the complainant wrote to the Trust and requested information in the following terms:

*"With respect to Camden and Islington NHS Foundation Trust employing NHS employees to work in the discipline of clinical psychology as 'Trainee Clinical Psychologists', the Trust is requested to provide the following information:*

*Full true non-redacted copies of the following documents covering employment commencing in **each year 2017 to 2021***

***inclusive*** (i.e. *all* versions dated to cover the aforementioned years):

*(1) Written Statement of Employment Particulars (inclusive of written particulars required by the Employment Rights Act 1996);*

*(2) Statement of the Main Terms and Conditions of Employment with Camden and Islington NHS Foundation Trust Issued Pursuant to the Employment Rights Act 1996;*

*(3) Correspondence between Camden and Islington NHS Foundation Trust and Her Majesty's Revenue and Customs pertaining to the employee status of NHS employees employed as Trainee Clinical Psychologists by Camden and Islington NHS Foundation Trust;*

*(4) Notices (correspondence) issued by Camden and Islington NHS Foundation Trust to NHS employees (Trainee Clinical Psychologists) notifying the NHS employees of the NHS employees status rulings issued by HMRC to Camden and Islington NHS Foundation Trust;*

*(5) Contract between Camden and Islington NHS Foundation Trust and Health Education England pursuant of the commissioning of Camden and Islington NHS Foundation Trust by Health Education England for the employment and vocational employment training in clinical psychology of NHS employees (resulting in the issuing of three-year NHS contracts of employment for NHS employees employed as Trainee Clinical Psychologists)."*

5. The Trust wrote to the complainant on 11 March 2021 to acknowledge the request.
6. On 8 April 2021, the Trust wrote to the complainant again. It stated that it was extending the time to respond to the request in order to complete the public interest test in line with section 10(3) of the FOIA. It explained that it needed to consider whether it could confirm or deny if it held the requested information and required the additional time to reach a decision on the balance of the public interest. The Trust stated that it intended to issue a response by 7 May 2021.

## Scope of the case

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7. The complainant contacted the Commissioner on 8 April 2021 to complain about the Trust's failure to respond to his request within 20 working days.
8. The Commissioner contacted the Trust on 14 May 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 20 working days.
9. The Commissioner also contacted the complainant on 14 May 2021 to explain that the Trust had been given 20 working days from that date within which to provide a response to his request.
10. The Trust wrote to the Commissioner on 25 May 2021 and stated that its response would be issued on 14 June 2021.
11. On 15 June 2021, the Trust wrote to the complainant to inform him that it required further time to consider the public interest test. On 25 June 2021, the Trust wrote to the complainant and provided its response to this request.
12. The complainant contacted the Commissioner on 29 June 2021 and explicitly requested that a decision notice be issued which highlights this breach of the statutory timeframe under the FOIA.
13. Therefore, the scope of this notice and the following analysis is to consider whether the Trust has complied with its obligations in relation to section 17 of the FOIA.

## Reasons for decision

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14. Section 1(1) of the FOIA states 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."*

15. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt"*.

16. Section 17(3) of the FOIA states that where a public authority is relying on a qualified exemption, it can have a "reasonable" extension of time to consider the public interest in maintaining the exemption or disclosing the information.
17. Although the FOIA does not define what constitutes a reasonable time, the Commissioner considers it reasonable to extend the time to provide a full response, including public interest considerations, by up to a further 20 working days. This means that the total time spent dealing with the request should not exceed 40 working days, unless there are exceptional circumstances. A public authority would need to fully justify any extension beyond 40 working days.
18. In this case, the total time taken by the Trust to respond to this request has exceeded 40 working days. The Commissioner does not consider there to be any exceptional circumstances and finds that, by failing to complete its deliberations on the public interest test within a reasonable timeframe, the Trust has not complied with section 17(3).

## **Other Matters**

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19. When a public authority requires additional time to consider the balance of the public interest in withholding relevant information, it must still issue a clear and unambiguous statement that relevant information is held, stating which exemption it is relying on. When a public authority requires additional time to consider the balance of the public interest in issuing a confirmation or a denial that information is held, it must issue a clear and unambiguous statement that it is considering the balance of the public interest in confirming (or denying) that relevant information is held.

## Right of appeal

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20. 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: 0203 936 8963

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)

21. 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.
22. 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 .....**

**Sarah Clouston**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**