

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 August 2022

Public Authority: University College London Hospitals NHS Foundation Trust

Address: 2nd Floor A, Maple House
149 Tottenham Court Road
London
W1T 7NF

Decision (including any steps ordered)

1. The complainant requested information, for a specified period of time, about the number of patients admitted to the ITU, how many of those had died and how many referrals there had been to the coroner. By the date of this notice, University College London Hospitals NHS Foundation Trust ("the Trust") had not issued a substantive response to part 2 of this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to both part 1 and part 2 of the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to part 2 of the request in accordance with its obligations under FOIA.
4. The Trust must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 April 2022, the complainant wrote to the Trust and requested information in the following terms:

“Can you please email me the following information?

1. The number of patients admitted to ITU and the number of deaths that resulted from the admission. From 1 January 2020 - 1 March 2022? (please provide the numbers per year)

2. How many deaths on ITU were referred to the coroner in the past 3 years?”

6. The Trust acknowledged the request on 25 April 2022. To date, a substantive response has not been issued to part 2 of the request. The Trust provided a response to part 1 of the request on 16 August 2022.

Scope of the case

7. The complainant contacted the Commissioner on 27 July 2022 to complain about the Trust’s failure to respond to their request.
8. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

Reasons for decision

9. Section 1(1) of 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.”

10. 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”.

11. On 4 August 2022, the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. On 16 August 2022, the Trust emailed the Commissioner to advise that a partial response had been issued to the complainant that day, providing the complainant with the information requested at point (1) of the request. The Trust indicated that the information requested at point (2) of the request would be provided at a later date.
13. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to part 2 of the request in accordance with FOIA.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
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