

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 May 2023

**Public Authority:** Drs Lindsay, Still, Robinson, Rees, Jacobs, Decker, Chilcott, Pollard, Byfield, Lahiff, Hughes, Maynard, Conroy-Smith, Sargeant and Jones (Partners of the Watership Down Health)

**Address:** Sainfoin Lane  
Oakley  
Hampshire  
RG23 7HZ

### **Decision (including any steps ordered)**

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1. The complainant has requested various information. The above public authority ("the public authority") provided some information.
2. The Commissioner's decision is that the public authority has provided all the information that it holds in recorded form and has therefore complied with its obligation under section 1(1) of FOIA.
3. The Commissioner does not require further steps to be taken.

### **GPs and FOIA**

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4. Strictly speaking each GP is an individual public authority for the purposes of FOIA. However, the Commissioner recognises that, in reality, a GP practice will usually act as a single point of contact for dealing with requests. For the purposes of this decision any responses provided by the practice are treated as having been made on behalf of all the named GPs.

## Request and response

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5. On 7 April 2022, the complainant wrote to the public authority and requested information in the following terms:
- “Per Freedom of Information Act 2000, I ask Watership Down Health:
1. How many patients have their personal correspondence received by Watership Down Health, and in what circumstances does this ensue?
  2. What record exists of the nature and volume of such correspondence, and over what period?
  3. How is that personal mail used by Watership Down Health, specifically?
  4. Are records of consent kept for Watership Down Health to open and read patients [sic] personal mail?
  5. Volume of such patients registered at each of Watership Down Health locations, together with total patients registered at each location?
  6. How often is are patient/s facilitated meeting with partners collectively, who decides on same happening, how often does this happen per year, and upon what circumstance/s?
  7. Is your complaints policy routinely provided to patients upon a complaint; it there any audit of such provision & if so by who; where it is not, why not? How are complaints about the two named in the complaints “policy”, handled and where is that published?
  8. How many complaints not resolved locally have proceeded to the CCG, NHS England, Health Service Ombudsman, Healthwatch Hampshire, and Voiceability (formerly Independent Health Complaints Advocacy Service), how many to PHSO, during each of the past 5 rolling years and statistical outcomes of same?
  9. Do the Partners consider they have ever acted contrary to their published privacy notice, attached here for convenience, in processing patient’s personal mail? An answer beyond merely binary is sought.”
6. The public authority responded on 27 April 2022. It provided information within the scope of each part of the request.
7. The complainant sought an internal review on 7 November 2022. He did not explain why the previous response had not satisfied his request.

8. Following an internal review the public authority wrote to the complainant on 24 March 2023. It maintained that it had responded appropriately to the original request. However it noted that, since issuing its original response, the complainant had sent multiple emails, within a short space of time, to a particular individual's inbox. The public authority noted that it "feels this is vexatious."

### **Scope of the case**

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9. At the outset of the investigation, the Commissioner contacted the complainant to clarify the scope of the complaint. Although the complainant had, in his grounds of complaint, taken issue with the use of the word "vexatious" in the internal review, the Commissioner was not persuaded that the public authority had attempted to refuse the request as vexatious: rather, that the word had been used to refer to the sending of multiple emails. That being the case, he asked the complainant to clarify what further information he (the complainant) felt the public authority should hold.
10. The public authority subsequently clarified that it had not refused the request as vexatious and that its final position was that it had provided all the information that it held in recorded form.
11. Unfortunately, despite several requests to do so, the complainant did not explain what information he believed to be missing. In the circumstances, the Commissioner considers that the most pragmatic way forward is to issue a decision notice that the complainant can then appeal if he wishes to do so.
12. For the avoidance of doubt, this decision notice only looks at whether the request outlined above was dealt with in accordance with FOIA. The Commissioner is aware that the complainant has sent other correspondence, including information requests, to the public authority. It is not within the scope of this decision to determine whether such correspondence was or was not handled appropriately.

### **Reasons for decision**

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13. Section 1(1) of FOIA requires a public authority to confirm whether or not it holds particular information and, if it does, to communicate that information to the requester.
14. The Commissioner's role is to determine whether it is more likely than not that the public authority holds further information in recorded form.

15. The Commissioner considers that the request is relatively specific in what it seeks – although some elements appear subjective.
16. Where the public authority holds statistical data or specific policies, it has either provided that information or signposted the complainant to where it can be found. For the remaining elements it has explained the process that it follows.
17. It is not for the Commissioner to determine whether the public authority has adequate processes in place, or has followed proper process on any given occasion. His role is to determine whether the public authority has provided the information it holds in recorded form.
18. Given the wording of the request and the wording of the public authority's response, the Commissioner has difficulty envisaging what further information would be likely to be held. Furthermore the complainant has not identified any piece of information that should have been provided but wasn't. In the absence of any evidence to the contrary and considering the reasonableness of the public authority's responses, the Commissioner is compelled to conclude that the public authority has provided all the information it holds in recorded form. It has therefore complied with its duty under section 1(1) of FOIA.

## Right of appeal

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19. 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)

20. 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.
21. 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 .....**

**Roger Cawthorne**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**