

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2023

Public Authority: Bolton NHS Foundation Trust
Address: Trust Headquarters
Royal Bolton Hospital
Minerva Road, Farnworth
Bolton
BL4 0JR

Decision (including any steps ordered)

1. The complainant requested information from Bolton NHS Foundation Trust (the public authority).
2. The Commissioner's decision is that the public authority breached section 10(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 6 July 2023, the complainant made the following request for information:

"As a Freedom of information request would you please tell me the make and model type of the body-cams your security guards were wearing at the time of the incident which occurred on [redacted]."
4. The public authority responded to the request for information on 4 October 2023.

Reasons for decision

5. 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.”

6. Section 10(1) of 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”.

7. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days.

Other matters

8. The public authority’s response of 4 October 2023, did not provide the complainant with details of whether or not it had an internal complaints procedure. Nor did it provide details of the right to complain to the Information Commissioner (although we appreciate that, in this case, the public authority was aware that the complainant had already made a complaint to the Commissioner).

9. The public authority should ensure that all future responses to information requests provide details of its own internal review procedure, if it has one, and also the right to complain to the Commissioner, providing relevant contact details for each.

Right of appeal

10. 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

11. 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.
12. 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF