

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 January 2024

Public Authority: The London Road Medical Centre
Address: 32 London Road
Sittingbourne
Kent
ME10 1ND

Decision (including any steps ordered)

1. The complainant requested information relating to the take over of the London Road Medical Centre (the medical centre) by Aspire Medical Health. In particular, the complainant wished to be provided with information relating to the way in which patients were informed of the takeover. By the date of this notice the medical centre had not issued a substantive response to this request.
2. The Commissioner's decision is that the medical centre has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the medical centre to take the following step to ensure compliance with the legislation.
 - The medical centre must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The medical centre 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.

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

Request and response

5. On 17 October 2023, the complainant submitted the following request for information to the medical centre:
 - 1) When did Aspire take over The Medical Centre, and how were patients informed?
 - 2) When Aspire took over the Medical Centre, how many patients were registered at the practice?
 - 3) When Aspire took over the Medical Centre, how many patients lived outside the Practice Boundary?
 - 4) When Aspire took over the Medical Centre, how many of the patients living outside the Practice Boundary were asked to leave and when by Aspire?
 - 5) How did Aspire contact these existing patients to tell them?
 - 6) When Aspire took over the Medical Centre, I understand (talking to staff and other patients) a text/email message was sent from Head Office to all patients living outside the Practice Boundary, but due to complaints from patients, this was withdrawn and an apology was sent out. Please confirm when this happened and why did Aspire withdraw the text/email message?
 - 7) [Request for the complainant's own personal information].
 - 8) [Request for the complainant's own personal information].
 - 9) [Request for the complainant's own personal information].
 - 10) Why are the existing patients, living outside the practice boundary, being asked to leave, as this is contradictory to your policy stated on the practice website which states that existing patients will not be affected by boundary changes? Please explain.
 - 11) Who is the Practice Manager at the Medical Centre as [name redacted] job title is Patients' Services Manager and not Practice Manager? I ask this as the complaint's procedure on the website (when you can find it) makes reference between the titles - so it is confusing. It gives the impression that the surgery does not have a Practice Manager.

- 12) [Request for the complainant's own personal information].
6. To date, a substantive response has not been issued by the medical centre.

Scope of the case

7. The complainant contacted the Commissioner on 30 November 2023 to complain about the way their request for information had been handled.
8. As marked in paragraph 5 of this decision notice, parts 7), 8), 9), and 12) of the request refer to the complainant's own personal information. Requests for an individual's own personal information do not fall under FOIA but instead fall under data protection legislation. These parts of the request are therefore not considered in this decision notice.
9. The Commissioner has therefore considered whether the medical centre dealt with parts 1) to 6), 10), and 11) of the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

10. 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 medical centre 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."

11. 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".
12. On 9 December 2023 the Commissioner wrote to the medical centre, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention, the medical centre has failed to respond to the complainant.

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

Other matters

15. The Commissioner notes that dealing with requests that contain a mix of personal information and other information can be complicated. If some or all of the requested information is the requester's own personal information, a public authority should not disclose it under FOIA. Instead, a public authority should handle the request as a subject access request (SAR) under the UK GDPR or the DPA18, as applicable².

² [Right of access | ICO](#)

Right of appeal

16. 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

17. 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.
18. 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
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