

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 February 2024

Public Authority: North Middlesex University Hospital NHS Trust
Address: Sterling Way
London
N18 1QX

Decision (including any steps ordered)

1. The complainant requested information from North Middlesex University Hospital NHS Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority 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 public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority 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

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](#)

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 18 November 2023 the complainant wrote to the public authority and requested information in the following terms:

"I am submitting a Freedom of information request to obtain a breakdown of all the details spent in dealing with a complaint that was originally submitted on [date redacted] & which is in our opinion still an ongoing complaint, plus copies of records/results that have not been forwarded to us despite previous requests to do so.

According to a letter received from your CEO following intervention by our local MP of which I am attaching a copy, she claimed that **"thousands of hours"** had been spend dealing with our complaint. She also claimed that certain documentation/information had already been provided to us, so therefore to confirm this we would like a breakdown of the following.

1. Details of exactly what work was carried out on our complaint, broken down by date & times & what department carried out the work.
2. Details broken down by date of any correspondence sent to us and by whom (if not able to provide a name a department name would be sufficient)
3. According to the letter from your CEO a copy of the discharge review that was suppose to have been done in [date redacted] was completed & sent to us. When this was requested via a FOI request in [date redacted] you first claimed you could not find it, then claimed that the person actioned to do it had left before the due completion date which was false & we were then advised it would be completed by [date redacted], but we have still not received a copy & so far you have been unable to provide a copy to the PHSO either. If this discharge review has been done as claimed then we would as part of this FOI request require proof it was sent & a copy of this review.
4. We requested details of the Line Manager supervising an OTA [name redacted] & was passed onto PALS to get the name by your department. The letter from your CEO claims the Trust has responded to us on this point so we require proof & a copy of the correspondence from the Trust confirming the name as to date

we have never received this information so the letter from the CEO is contradictory.

5. We require as part of this FOI Request a copy of **ALL 6 PAGES** of the ABL90 Radiometer series test carried out in A&E on [date redacted] as we only received 5 pages so there is 1 page of results missing which I can prove as per the attached as you can see the page with the punch holes on the left hand side the sheet is folded over, but no copy of this particular result sheet was ever sent with the other records. I am aware that your CEO has tried to skirt around the issue by going on about oxygen levels while trying to divert from the fact that we require all pages of this ABL90 test. So we just require all 6 pages or an explanation as to why 1 page is missing.
6. We also require a copy as part of this FOI request of the Cardiac Enzyme test results that were done according to the A&E summary that was sent to the GP (of which I am attaching a copy of). The CEO in her letter claims that the Trust has responded fully on this matter, however, this is not the case as the tests that were quoted in a previous letter "Alkaline Transaminase" related to a Liver Function test (which you can clearly see is shown separately as part of the investigations) & a Urea & Electrolytes test "Creatinine Kinase" which relates to Kidney functions are biochemistry tests which again you can see is listed as a separate investigation and are not Cardiac Enzyme tests. I am also attaching a copy of an email from the British Heart Foundation which confirms this & which confirms that a Creatine Kinase (CK) test that would be specific to the heart would be a CK MB. So based on this email from a qualified Cardiac Nurse, the evidence from the A&E summary & your CEO confirming Cardiac enzymes test were done, we require the correct results for the CK MB test that would have been done as part of this cardiac enzyme test or the troponin test result as although you CEO has said this was not done historically it does show as part of the test available to be done on the ABL90 radiometer test sheet in [date redacted]."

Reasons for decision

6. 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.”
7. 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”.
 8. On 10 January 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
 9. Despite this intervention the public authority has failed to respond to the complainant.
 10. 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 and it is now required to respond to the request in accordance with FOIA.

Other Matters

11. The Commissioner notes that some of the requested information may constitute the requester’s personal data. If it does, the public authority should handle those parts of the request as a Subject Access Request (SAR) under the Data Protection Act 2018 (DPA) and respond accordingly.

Right of appeal

12. 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-regulatorychamber

13. 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.
14. 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF