

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 January 2019

Public Authority: NHS Nene Clinical Commissioning Group

Address: Francis Crick House
Summerhouse Road
Moulton Park
Northampton
NN3 6BF

Decision (including any steps ordered)

1. The complainant requested information from NHS Nene Clinical Commissioning Group ("the CCG") about names and job/role title of all the CCG staff.
2. The Commissioner's decision is that the CCG failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act ("the FOIA").
3. As a response has been issued, the Commissioner does not require the CCG to take any further steps.

Request and response

4. On 14 November 2018, the complainant wrote to the CCG and requested information in the following terms:

"To whom it may concern,

Under FOIA - May I have the name and job / role title (only) of all Nene Commissioning staff.

Please supply as a pdf or excel if easier."

5. The CCG provided a response on 14 December 2018.

Scope of the case

6. The complainant contacted the Commissioner on 16 December 2018 to complain about the way his request for information had been handled and he specifically requested a decision notice recording the late response provided by the CCG.

Reasons for decision

7. Section 1(1) of the 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.*

8. 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."
9. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the request within 20 working days, the CCG has breached Section 10(1) of the FOIA.

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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.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

Ben Tomes
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF