

# Freedom of Information Act 2000 (Section 51) Information notice

Date:	29 June 2022
Public Authority: Address:	NHS Commissioning Board (NHS England) Quarry House
	Quarry Hill
	Leeds
	LS2 7UE

#### Section 51

Under section 51 of the Freedom of Information Act 2000 (the "Act"), which is set out below, the Information Commissioner (the "Commissioner") has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of the Act.

- 51. (1) If the Commissioner -
  - (a) has received an application under section 50, ...

he may serve the authority with a notice (in this Act referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

## Application under section 50

 The Commissioner has received an application under section 50, reference IC-160709-W2N4, for a decision whether a request for information made by the complainant to the NHS Commissioning Board ("NHS England") on 16 June 2021, has been dealt with in accordance with the requirements of Part I of the Act.



## Nature of complaint

- 2. The Commissioner wrote to NHS England on 12 May 2022 to ask it to provide copies of the withheld information and for a submission justifying its reliance upon exemptions. The Commissioner set NHS England a deadline of Monday 13 June 2022 to respond.
- NHS England asked for the deadline to be extended which the Commissioner agreed to. However, despite the Commissioner's chasing, NHS England has not, at the date of this notice, provided its submission or the withheld information – although it has apologised for the delay.

#### Information required

- 4. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of the Act he requires that NHS England shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - A copy of any information, within the scope of the request, that NHS England wishes to withhold
  - A substantive response to the Commissioner's letter of 12 May 2022.

#### Failure to comply

5. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of the Act, and may be dealt with as a contempt of court.



## **Right of appeal**

6. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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: <u>grc@Justice.gov.uk</u> Website: <u>www.justice.gov.uk/tribunals/general-regulatory-</u> <u>chamber</u>

7. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed .....

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