

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 February 2017

Public Authority: Norfolk and Norwich University Hospitals NHS Trust

Address: Colney Lane
Norwich
NR4 7UY

Decision (including any steps ordered)

1. The complainant made a freedom of information request to the Norfolk and Norwich University Hospitals NHS Trust for details of its board members' expenses. The Trust failed to respond to the request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA by failing to respond to the request within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must provide the complainant with a response to his request in accordance with its obligations under FOIA.
4. The public authority must take these steps 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 12 October 2016 the complainant made a freedom of information request to the Trust which read as follows:

How much was claimed by your board members in expenses in 2014/15, 2015/16 and 2016/17 (to date) for:

- (a) over-night accommodation*
- (b) hospitality*
- (c) meals*
- (d) personal travel expenses for (i) mileage, (ii) parking, (iii) taxis, (iv) car allowances, (v) trains, and (vi) flights*
- (e) any other personal expenses*
- (f) the single biggest expense claim by one board member in each of the financial years listed above.*

In each case please state the role of the board member making the claim, e.g. chairman, non-executive directors, chief executive and executive directors.

6. The Trust acknowledged the request on 17 October 2016.
7. On 21 November 2016 the complainant contacted the Trust to ask when the Trust intended to respond to his request. The Trust contacted him the same day to explain that it was still awaiting information from its Finance Team.
8. Having still not received a response the complainant contacted the Trust again on 7 December 2016 and 17 January 2017 to ask for an update on when he could expect a response to the request. On the same day the Trust contacted him and explained that it was preparing a response and would forward it to the complainant as soon as it was available.

Scope of the case

9. On 23 January 2017 the complainant contacted the Commissioner to complain about the Trust's failure to respond to his request.
10. Following receipt of the complaint the Commissioner contacted the Trust with details of the request, reminding it of its responsibilities and asking it to respond to the complainant within the next 10 working days.

11. The Trust has failed to respond to either the complainant or the Commissioner.

Reasons for decision

Section 10(1) – time for compliance

12. Section 10(1) of FOIA provides that a public authority must respond to a request promptly and in any event within 20 working days.
13. The complainant made his request for information on 12 October 2016 and the Trust has yet to respond. The Trust has clearly exceeded the 20 working day limit and therefore the Commissioner has found that it breached section 10(1) in its handling of the request.

Right of appeal

14. 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

15. 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.
16. 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

Paul Warbrick
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Wycliffe House
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Wilmslow
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SK9 5AF