

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 February 2015

Public Authority: Central Manchester University Hospitals NHS Foundation Trust

Address: Cobbett House
Manchester Royal Infirmary
Oxford Road
Manchester, M13 9WL

Decision (including any steps ordered)

1. The complainant has requested information relating to the amount of money spent by the company McKinsey in the Children's Division on the Vision 2Action project at the Central Manchester University Hospitals NHS Foundation Trust (the Trust).
2. The Commissioner's decision is that the Trust has incorrectly applied section 21 of the FOIA to the withheld information. The Commissioner has also found that the Trust breached section 10(1) of the FOIA because of the late response.
3. The Commissioner requires the Trust to provide the requested information to the complainant.
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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 3 October 2014 the complainant requested the following information:

'This is an FOI inquiry please answer with in the statutory time limit. Email to this return address is adequate for your answer

Please can you tell me the amount of money spent in the Children's division on the Vision 2Action project run by the company McKinsey.'

6. On 2 December 2014 the Trust responded and provided a URL link to the Trust's website.
7. The complainant requested an internal review on 2 December 2014 as he could not find the requested information on the provided link.
8. The Trust sent him the outcome of its internal review on 9 December 2014 and upheld the use of section 21 (information already in the public domain):

'The Trust responded on 2 December 2014 providing the link <http://www.cmft.nhs.uk/your-trust/freedom-of-information/what-we-spend-and-how-we-spend-it> to the Trust website where details of expenditure over £25,000 are routinely published and publicly available...

The data available via the web link identifies all suppliers whom the Trust paid over £25,000 to and also provides details of the:

- *Individual name or company to whom payment was made*
- *Amount paid to the individual or company*
- *Broad area of the Trust where the individual worked.'*

Scope of the case

9. On 11 December 2014 the complainant wrote to the Commissioner as he had looked at the URL link but could not find the information. He complained about the way his request for information had been handled.
10. The Commissioner considers the scope of this case to be to determine if the Trust has correctly applied section 21 of the FOIA to the information requested.

Reasons for decision

11. Section 21 of the FOIA states that:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

12. In its response of 2 December, the Trust provided the complainant with a link to its website page 'What we spend and how we spend it.' The complainant has stated his difficulty in opening the provided link.
13. The Commissioner also followed the link and found some difficulty opening the many monthly pages to reach the monthly expenditure spreadsheets as a password seemed to be required.
14. In its response to the Commissioner on 14 January 2015, the Trust investigated the difficulty but explained that others had not experienced a problem. The request for a password was intermittent, was related to when an older version of Internet Explorer browser was used and cancelling the password request opens the spreadsheet. The Trust has offered to provide additional guidance until the issue is fully resolved.
15. The Trust further explained that the complainant would have had knowledge of the project Vision 2Action and would therefore know the time periods to look at.
16. Therefore the information was available to the public at the time of the request.
17. With this information the Commissioner searched for the Vision 2Action project and found that it was an initiative at the beginning of 2014. By cancelling the password he was able to look at the monthly expenditure reports for February, March and April 2014. He found 4 invoices paid to McKinsey. (£156,000, £240,000, £324,000 and £276,000)
18. However, the invoices were attributed to Corporate Services (Financial and Planning or Human Resources) and did not specify if the money was spent in the Children's Division and did not mention the Vision 2Action project.
19. It may be that the whole of these invoices relate to the Vision 2Action Project in the Children's Division or another project in another division. This is not clear from the published information and therefore does not answer the information request.
20. The Commissioner's guidance says 'for section 21 to apply, it is necessary to consider whether the entirety of the information is reasonably accessible to the applicant.'
21. The Commissioner contacted the complainant on 20 January 2015, who confirmed that the invoices do *'not relate to expenditure to the Childrens division but the whole hospital; the children's division is but one part of*

the whole trust.' Therefore the provided link does not answer the complainant's request in full.

22. It is clear to the Commissioner, from the Trust's responses to the complainant and its submission to him, that the information the complainant has requested is not publicly available and accessible from its website. The Commissioner is satisfied that the Trust has incorrectly cited the exemption at section 21 of the FOIA.

Section 10

23. Section 10(1) of the FOIA provides that a public authority should respond to a request for information within 20 working days. The Commissioner has found a breach in this case because the public authority did not respond within 20 working days.

Right of appeal

24. 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

25. 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.
26. 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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SK9 5AF