

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 5 December 2017

**Public Authority:** Norfolk and Norwich University NHS Trust

**Address:** Colney lane  
Colney  
Norwich  
NR4 7UY

#### Decision (including any steps ordered)

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1. The complainant has requested information from Norfolk and Norwich University NHS Trust ('the Trust') about an individual's medical treatment. At the date of this notice, the Trust has not provided a response to the request.
2. The Commissioner's decision is that:
  - The Trust has breached section 10(1) of the FOIA as it has not provided a response to the request within 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation:
  - Provide a response to the complainant's request of 22 August 2017.
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

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5. On 22 August 2017, the complainant wrote to the Trust and requested information in the following terms:

***"FOI Request Number Two***

- 1. There's an hour and a half unaccounted for in the medical notes of [Name Redacted] on the 22<sup>nd</sup> May 2014, 11:30 – 13:00, how was the patient discovered, by whom and what happened?*
- 2. Who administered the final dose of s/c Oxycodone to [Name Redacted] on the 22<sup>nd</sup> May 2014 and at what time?*

*NB*

*I'm aware of the entries on the CDR and the Drug Chart. Dr [Name Redacted] phoned me at approximately 13:12 on the 22<sup>nd</sup> May 2014. This is recorded in her notes timed at 13:00 on that date. She has the date wrong for that entry, following [Name Redacted], the date is the 22<sup>nd</sup> May. Was the drug administered before or after the phone call to me or my sister?"*

6. The complainant has told the Commissioner that he originally submitted this request to the Trust on 18 January 2017 but did not receive a response.
7. The Commissioner wrote to the Trust on 16 October 2017, provided a copy of the request and asked it to provide a response to the request within 10 working days. On 13 November 2017 the complainant advised the Commissioner that he still had not received a response. The Commissioner contacted the Trust again on 14 November 2017 and was advised that it was aware of the request and would look again into the matter of its response.
8. On 29 November 2017, the complainant advised the Commissioner that he still had not received a response.

## Scope of the case

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9. The complainant first contacted the Commissioner on 20 September 2017 to complain about the way his request for information had been handled.
10. The Commissioner's investigation has focussed on the Trust's obligation under section 10(1) of the FOIA.

## Reasons for decision

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### **Section 1 – general right of access to information**

11. Section 1(1) of the FOIA says that anyone who requests information from a public authority is entitled (a) to be told whether the authority holds the information and (b) to have it communicated to him or her if it is held.

### **Section 10 – time for compliance**

12. Section 10(1) says that a public authority must comply with section 1(1) as soon as possible and within 20 working days following the date of receipt of the request.
13. The complainant submitted his request to the Trust on 20 August 2017 and to date has not received a response. The Trust has therefore breached section 10(1) with regards to this request.

## Right of appeal

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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](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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** .....

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**