

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 November 2023

Public Authority: Oxford University Hospitals NHS Foundation Trust

Address: John Radcliffe Hospital
Headley Way
Headington
Oxford
OX3 9DU

Decision (including any steps ordered)

1. The complainant requested information from Oxford University Hospitals NHS Foundation Trust ("the Trust") relating to Oxford Community Diagnostic Centre (OCDC). By the date of this notice the Trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The Trust must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 22 August 2023, the complainant wrote to the Trust and requested information in the following terms:

" 1. Please provide the following in relation to the Oxford Community Diagnostic Centre (OCDC)

a) a copy of all contracts with Perspectum Ltd, including, but not limited to, all schedules, specifications, and appendices

b) a copy of all contracts, including, but not limited to, all schedules, specifications, and appendices, of any third party providing diagnostic services

c) details of the procurement process that resulted in Perspectum Ltd being awarded a contract to provide services at OCDC

d) details of the procurement process that resulted in a third party or parties also providing diagnostic services at OCDC

e) if the relocation of diagnostic imaging services is/was a project or projects, details of each Project Initiation Document (PID)

f) the full business case pertaining to a diagnostic imaging service relocating to Gemini 1 in Oxford Business Park

g) details of the process used to determine which patients are referred to OCDC.

2. Please provide the following in relation to diagnostic imaging services commissioned by Oxford University Hospitals NHS Foundation Trust (OUHT)

a) which other outsourced providers provide diagnostic imaging services to OUHT

b) details of those services

c) and locations where they are delivered.

3. Please provide the following information in relation to in-house provision of diagnostic imaging services

- a) which in-house diagnostic imaging services the Trust still provides
 - b) details of where they are provided.
4. Please provide a copy of the Data Sharing Agreement between Perspectum Ltd, third party subcontractors and OUHT.
5. Please provide a copy of the Data Protection Impact Assessment/s, covering data sharing between Perspectum Ltd, third party subcontractors and OUHT.”

Reasons for decision

6. Section 1(1) of 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.”
7. Section 10(1) of 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”.
8. On 1 November 2023 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.
9. Despite this intervention the Trust has failed to respond to the complainant.
10. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

11. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. 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.
13. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF