

## **Environmental Information Regulations 2004 (EIR)**

### **Decision notice**

**Date:** 24 January 2024

**Public Authority:** Imperial College Healthcare NHS Trust

**Address:** The Bays  
South Wharf Road  
St Mary's Hospital  
London W2 1NY

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Imperial College Healthcare NHS Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has failed to respond to the request within 20 working days and has therefore breached regulation 5(2) of the EIR.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
  - Issue a substantive response to the request in accordance with its obligations under the EIR.
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 Freedom of Information Act and may be dealt with as a contempt of court.

## Request and response

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5. On 24 August the complainant wrote to the public authority and requested information in the following terms:

"We should be grateful if you would provide us with copies of all documents held by the hospital in relation to the presence of asbestos in any part of the hospital from 1980 until present day. This request includes, but is not restricted to, asbestos surveys, analytical examinations, registers, reports and worksheets in respect of any asbestos removal or inspection carried out, and all other documents in relation to the presence of asbestos in the hospital.

In particular, please could you provide us with documents regarding asbestos presence in the boiler house and underground the hospital where the pipes run."

6. The public authority wrote to the complainant on 7 November 2023 and asked for further information in order to clarify the request.

7. The complainant provided clarification on the same day, in the following terms:

"Please could you provide us with the following documents for blocks A, C and D: asbestos surveys, analytical examinations, asbestos registers, asbestos management policies/plans, site plans, asbestos removal certificates, reports and worksheets in respect of any asbestos removal or inspection carried out, and all other document in relation to the presence of asbestos in the hospital.

I have included the map that I am referring to here for your reference."

## Reasons for decision

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### Is the requested information environmental?

8. This decision notice has been served under the Environmental Information Regulations 2004 as the Commissioner considers that the requested information falls under the definition of 'environmental information' as described in a previous [decision notice](#).

## **Regulation 5(2) - timeliness**

9. Regulation 5(1) of the EIR states that:

"a public authority that holds environmental information shall make it available on request."

10. Regulation 5(2) of the EIR states that:

"Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request."

11. On 3 January 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days. Despite this intervention the public authority has failed to respond to the complainant.

12. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with the EIR. The Commissioner finds that the public authority has breached regulation 5(2) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the EIR.

## **Other matters**

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13. The Commissioner notes that, where a public authority is required to provide advice and assistance – either because the request would otherwise impose a manifestly unreasonable burden, or because it is formulated in too general a manner – it should provide that advice and assistance within 20 working days.

## 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: 0203 936 8963  
Fax: 0870 739 5836  
Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatorychamber](http://www.justice.gov.uk/tribunals/general-regulatorychamber)

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 .....**

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