

**FREEDOM OF INFORMATION ACT 2000 (SECTION 52)
ENFORCEMENT POWERS OF THE INFORMATION COMMISSIONER
ENFORCEMENT NOTICE**

DATED: 23 October 2025

To: Cambridge University Hospitals NHS Foundation Trust

**Of: Hills Road
Cambridge
CB2 0QQ**

1. Cambridge University Hospitals NHS Foundation Trust ("the Trust") is a "public authority" listed in Schedule 1 and defined by section 3(1)(a)(i) of the Freedom of Information Act 2000 ("**FOIA**"). FOIA provides public access to information held by public authorities.
2. The Trust's obligations as a public authority under FOIA include –
 - a. Being obliged to publish certain information about its activities;
 - b. Responding to requests for information from members of the public.
3. The Information Commissioner (the "**Commissioner**") hereby issues the Trust with an Enforcement Notice (the "**Notice**") under section 52 FOIA. The Notice is in relation to the Trust's
 - a. Continuing non-compliance with section 1(1) FOIA;
 - b. Continuing breach of section 10(1) FOIA.
4. This Notice explains the Commissioner's decision to take enforcement

action. The specific steps that the Trust is required to take are set out in **Annex 1**.

Legal Framework for this Notice

5. A person requesting information from a public authority has a right, subject to exemptions, to be informed by the public authority in writing whether it holds the information, and to have that communicated to them, if the public authority holds it. This is set out in section 1(1) FOIA–

"(1) 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."

6. Section 10(1) FOIA specifies that public authorities must respond to requests within 20 working days:

"... a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following receipt."

7. There is provision under FOIA for a public authority to claim a reasonable extension to this limit in certain circumstances but in all cases, the public authority must give the requestor a written response within the standard time limit for compliance.

8. The Commissioner has various powers under FOIA. One of these is the issuing of an Enforcement Notice. Section 52(1) of FOIA states –

"If the Commissioner is satisfied that a public authority has failed to comply with any of the requirements of Part I, the Commissioner may serve the authority with a notice (in this Act referred to as an "enforcement notice") requiring the authority to take within such time as may be specified in the notice, such steps as may be so specified for complying with those requirements."

9. Section 52 FOIA has effect subject to section 53 FOIA, which provides details of the exceptions from the duty to comply with a decision notice or enforcement notice.

Background

10. The Commissioner became aware of an increase in complaints to his office about the timeliness of the Trust's responses to requests made under FOIA.

11. The Commissioner also noted a number of requests made via the WhatDoTheyKnow website had delayed responses with the following wording used:

"I am afraid that I am writing to inform you that we will be unable to respond to your request by the statutory deadline. We are still waiting for information from departments within the Trust to enable us to respond to your request. I wish to assure you that we are regularly chasing the outstanding information so that we can respond to your request as soon as possible."

12. The Commissioner contacted the Trust on 12 August 2025 and asked

for its performance statistics.

13. On 3 September 2025 the Trust provided its performance statistics by email for the last three quarters (quarter four 2024/2025, quarter one 2025/26 and quarter two 2025/26), of compliance.

14. Quarter four 2024/25 and quarter one 2025/26 showed overall compliance rates of 48% and 14% respectively but did not include details of cases over six months old and one year old.

15. Quarter two 2025/26 showed an overall compliance rate of 50% with 222 open requests of which 67 cases were over one year old.

The Contravention and Reasons for this Notice

16. FOIA requires a public authority to inform people whether it holds information they have requested and to communicate it to them within 20 working days of receipt of their request.

17. On 23 September 2025 the ICO met with the Trust via Teams to discuss the position. The triggers for non-compliance were several.

18. The Trust explained it has been struggling with staffing but is hopeful it will soon be able to address this. The staffing issues have meant that the focus has been on responding to day to day issues and the wider work to improve performance, make changes and increase visibility has not been prioritised.

19. The Trust has struggled with wider FOIA awareness across departments and often has delays in getting responses back from other business areas.

20. However a KPMG internal audit on FOIA took place at the Trust earlier this year and the Trust considers the recommendations have been useful. As well as this a new Executive Director has been appointed with a keen interest in FOIA and the Trust hopes these two factors will raise the profile and awareness of FOIA.
21. The Trust is also still processing the requests it receives manually, using a spreadsheet to keep track of cases. Process changes are planned and the Trust is looking at electronic case management systems.
22. The Commissioner notes that the Trust is taking its obligations seriously and it is in the early stages of implementing changes that it believes will improve compliance.
23. However, the Trust still has a statutory duty to respond to requests for information in a timely manner. It is imperative that the Trust recognises the importance of clearing its backlog and the legal implications of failing to do so. It is important that it has proper plans in place to reach, and then maintain, high levels of compliance with FOIA.
24. With this in mind, the Commissioner considers that imposing a legally binding set of steps for the Trust to take, and an enforceable deadline for taking them, makes clear the priority that the Commissioner considers this task should be given. It also provides a definitive backstop to ensure the Trust's backlog figures do not deteriorate further and sends a signal to its senior leaders and those parts of the Trust not properly supporting its information rights team of the importance of complying with its legal duties under FOIA.
25. Taking into account the significant number of outstanding requests and the need for sustained improvement in timely FOI responses, the

Commissioner considers it a proportionate regulatory step to issue an Enforcement Notice requiring the Trust to comply with section 1(1) of FOIA in respect of all its outstanding requests. It is essential that the improvements that the Trust has indicated it has seen are sustained and that the improvements described in **Annex 1** are implemented, which compliance with this Notice will support.

26. The Commissioner also considers it a proportionate regulatory step to require the Trust to devise and publish an action plan, which formalises measures to mitigate delays. This action plan should be supported by a 'lessons learned' exercise, which examines the root cause of delays in request handling, from allocation through to clearance at different stages, with mitigations for any recurring problems addressed specifically in the plan. This should be compared with the work done by KPMG, with the action plan reflecting the steps from both pieces of work that the Trust believes will best help them comply with the steps set out in this Notice.

Other Matters

27. The Commissioner considers that the Trust may benefit from using his [self-assessment toolkit](#) which is designed to help public authorities assess their current FOI performance and provide indicators of where efforts should be focused in order to improve. Topic 1 is particularly relevant as it deals with timeliness.

28. The Commissioner notes that the Trust does not currently publish its timeliness statistics to provide transparency about its performance. The Commissioner cannot require this as part of an enforcement notice under FOIA but reiterates that the Trust should do this in line with the

section 45 Code of Practice.

29. He would also recommend that the Trust publishes, on a monthly basis, its progress in clearing its FOIA backlog in line with the updates it gives the Commissioner about its compliance with this notice.

Terms of this Notice

30. The Commissioner therefore exercises his powers under section 52 of FOIA to serve an Enforcement Notice requiring the Trust to take specified steps to comply with FOIA. The specified steps are set out in **Annex 1** of this Notice.

31. The consequence of failing to comply with an Enforcement Notice is that the Commissioner may make written certification of this fact to the High Court pursuant to section 54 of FOIA. Upon consideration and inquiry by the High Court, the Trust may be dealt with as if it had committed a contempt of court.

Right of Appeal

32. By virtue of section 57 of FOIA there is a right of appeal against this Notice to the First-tier Tribunal (Information Rights). If an appeal is brought against this Notice, it need not be complied with pending determination or withdrawal of that appeal.

33. Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber
PO Box 11230
Leicester

Reference: ENF0988378

LE1 8FQ

Tel: 0203 9368963

Email: GRC@justice.gov.uk

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

34. Any Notice of Appeal should be served on the Tribunal within 28
(calendar) days of the date on which this Enforcement Notice is sent.

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

Annex 1

TERMS OF THE ENFORCEMENT NOTICE

**THIS NOTICE REQUIRES CAMBRIDGE UNIVERSITY HOSPITALS
NHS FOUNDATION TRUST TO TAKE THE FOLLOWING STEPS BY
THE DATES SPECIFIED BELOW:**

By **23 April 2026**, the Trust shall:

- (i) In respect of each information request where the response is outside the 20 working days as at the date of this notice, and where a permitted extension has not been applied, comply with section 1(1)(a) of FOIA and, if information of the description specified in the request is held, either:
- (ii) communicate that information pursuant to section 1(1)(b) FOIA; or issue a valid refusal notice under section 17 FOIA, unless section 17(6) FOIA applies.

Within 35 calendar days of this notice, the Trust shall also

- (iii) devise and publish an action plan, formalising the measures it will take to ensure it complies with its legal duties under Part 1 of FOIA to respond to information requests in a timely fashion.