

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2025

Public Authority: Dr Jagtar Singh Chaggar
Address: St. Pauls Surgery
222 St. Pauls Road
Smethwick
West Midlands
B66 1HB

Decision (including any steps ordered)

1. The complainant has requested information relating to transgender Shared Care Agreements and Bridging Prescriptions.
2. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore, the Commissioner finds a breach of section 10.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - it must provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take these steps within 30 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.

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

5. The Commissioner notes that when a request is made to a GP surgery, it is the GPs themselves that are the legal entity and therefore the public authority for the purposes of FOIA, often as a partnership. In this case, the GP practice consists of a single GP, Dr Chaggar. He is therefore the public authority in relation to this request. However, as is often the case in requests to GP surgeries, the complainant's communications have been with the surgery staff rather than Dr Chaggar directly. Therefore, for easy and clarity, we refer to the public authority as "the surgery" in this decision notice.

Request and response

6. On 6 November 2024, the complainant submitted the following request for information to the surgery:
 - 1) Are there transgender Shared Care Agreement and Bridging Prescription policy/guidance documents in use at your practice/group? If so, please share these documents or summarise the key points.
 - 2) How many transgender Shared Care Agreements do you currently have in place?
 - 3) When presented with a transgender patient that is self-medicating, does your service offer to monitor bloods without a Shared Care Agreement or Bridging Prescription in place? If so, what blood tests are included for those taking feminising HRT and those taking masculinising HRT?
 - 4) When a Bridging Prescription is provided, what blood tests are included for those taking feminising HRT and those taking masculinising HRT?
 - 5) Bridging Prescriptions are considered a "harm reduction strategy" in transgender healthcare (Royal College of Psychiatrists (October 2013) CR181: Good Practice Guidelines for the Assessment and Treatment of Adults with Gender Dysphoria). Does your practice/group advise GPs to undertake a patient safety risk assessment before issuing, rejecting or ending a Bridging Prescription?
 - 6) The GMC recommends that GPs should collaborate with gender specialists in the provision of transgender healthcare; if the GP cannot access a gender specialist the GMC states "it would not (however), be acceptable to simply refuse to treat the patient" (<https://www.gmc-uk.org/ethical-guidance/ethical-hub/trans->

healthcare). If a GP at your practice/group cannot access the advice of a gender specialist, what is the protocol they will follow?

7. The surgery wrote to the complainant on 11 December 2024, confirming that it had received the request, but advising that the request did not contain any patient information or letter head.
8. The complainant responded to the surgery on 15 December 2024, advising that there was no patient information as it was an FOI request and not a patient request.

Scope of the case

9. The complainant contacted the Commissioner on 3 January 2025 to complain about the way their request for information had been handled.
10. The Commissioner has considered whether the surgery dealt with the request in accordance with its obligations under section 10(1) of FOIA.

Reasons for decision

11. 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."

12. 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".
13. On 24 January 2025, the Commissioner wrote to the surgery, reminding it that under section 8 of FOIA, the requester is only required to provide their name and an address for correspondence when submitting a Freedom of Information request. He also asked the surgery to provide a substantive response to the complainant's request within 10 working days.

14. The surgery responded to the Commissioner on the same day, stating that the complainant was not a patient at the surgery.
15. The Commissioner wrote to the surgery again on 27 January 2025 advising it of his role, about the legislation, and what action he required the surgery to take. He again advised the surgery that the complainant was not required to be a patient of the surgery to make a Freedom of Information request.
16. Despite this intervention, the surgery has still failed to respond to the request.
17. From the evidence provided to the Commissioner in this case, it is clear that the surgery did not deal with the request for information in accordance with FOIA. The Commissioner finds that the surgery 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.

Other matters

18. The Commissioner notes that the surgery initially asked the complainant for their patient information and subsequently advised the Commissioner that the complainant was not a patient of the surgery.
19. The Commissioner reminds the surgery that it is incumbent on every public authority to ensure that all staff are trained to recognise the difference between a request for information under FOIA and a request for personal information under data protection legislation. Staff must be made aware of the correct procedures for dealing with each type of request.
20. The Commissioner therefore recommends that the surgery reviews the [Section 45 code of practice](#).

Right of appeal

21. 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

22. 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.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

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