

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 February 2025

Public Authority: Dr Zinab Nazif, Dr Monisha Kurian and Dr Shoukat Bhatti

Address: Yardley Green Medical Centre
77 Yardley Green Road
Birmingham
B9 5PU

Decision (including any steps ordered)

1. The complainant has requested information relating to transgender Shared Care Agreements and Bridging Prescriptions.
2. Based on the 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 step to ensure compliance with the legislation.
 - provide the complainant with a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step 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, the legal entity that is the public authority responsible for responding under FOIA is often a partnership formed by some or all of the GPs working at the practice. In this case, based on publicly available information, the Commissioner understands that the three GPs listed in the header above make up the partnership that is the public authority in this case. However, as is often the case in requests to GP surgeries, the complainant's communications have been with the surgery staff rather than any of the above-named GPs directly. Therefore, for ease and clarity, we refer to the public authority as "the surgery" in this decision notice.

Request and response

6. On 31 October 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 complainant followed up their request with the surgery on 16 December 2024, as they had not received a response.

Scope of the case

8. The complainant contacted the Commissioner on 6 January 2025 to complain about the way their request for information had been handled.
9. 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

10. 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."
11. 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".
12. On 6 February 2025, the Commissioner wrote to the surgery requesting it provide a substantive response to the complainant's request within 10 working days.
13. The surgery responded to the Commissioner on the same day advising that it cannot locate a complaint from the complainant and cannot see that the complainant has ever being a patient at the surgery. The surgery asked the Commissioner to provide patient information about the complainant.

14. On 7 February 2025, the Commissioner wrote to the surgery explaining that the complainant did not need to be a patient of the surgery to make a request under FOIA. He went on to explain that under section 8 of FOIA, they were only required to provide their name and an address for correspondence. He asked the surgery to provide a substantive response to the complainant's request within 10 working days of the date of his email dated 6 February 2025.
15. The surgery responded to the Commissioner on the same day advising that it understand the action it needs to take and will respond no later than 24 February 2025.
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 advised him that the complainant was not a patient of the surgery and asked him for the patient information of the complainant.
19. The Commissioner reminds the surgery that it is the responsibility of every public authority to ensure that its staff are trained to recognise requests for information under FOIA, including the difference between a request for general 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.

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