

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 December 2018

Public Authority: NHS Oldham CCG
Address: Ellen House
Waddington Street
Oldham
OL9 6EE

Decision (including any steps ordered)

1. The complainant requested information relating to prescriptions for Sativex (nabiximols). NHS Oldham Clinical Commissioning Group (the CCG) failed to respond to this request within the statutory time for compliance.
2. The Commissioner considers that the CCG has breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 12 October 2018 the complainant wrote to the CCG and requested information in the following terms:

"Please state how many times in the last 5 years the Clinical Commissioning group have allowed prescriptions for Sativex (nabiximols) in relation to individual referrals by neurologists etc.

Please state how many times individual referrals have been requested to the CCG by the medical fraternity."

5. On 16 October 2018 the complainant provided the following clarification in relation to the scope of his request:

"I would like to clarify my request my request, Would you please show the requested information on a year by year basis?"

6. On 29 October 2018 he provided some further clarification in the following terms:

"I wish to clarify that the sentence "Please state how many times individual referrals have been requested to the CCG by the medical fraternity" refers to how many times individual referrals have been requested to the CCG by the medical fraternity for SAVITEX."

7. On 1 November 2018 the CCG acknowledged the complainant's request and on 26 November 2018 it provided its response to the request.

Scope of the case

8. The complainant contacted the Commissioner on 13 November 2018 to as he had not received a response from the CCG.
9. The Commissioner has considered whether the CCG has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

10. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

11. Section 1(1) provides 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. The original request was made on 12 October 2018 and the response was provided on 26 November 2018. The Commissioner therefore finds that the CCG breached section 10(1) in failing to respond within 20 working days.

Right of appeal

13. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

14. 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.
15. 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:.....

Gemma Garvey
Senior Case Officer

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Wycliffe House
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Wilmslow
Cheshire
SK9 5AF