

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 19 November 2019

**Public Authority:** North East London NHS Foundation Trust

**Address:** Goodmayes Hospital  
157 Barley Lane  
Goodmayes  
Ilford  
IG3 8XJ

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

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1. The complainant requested information from North East London NHS Foundation Trust ("the Trust") about complaints against the Trust, overpayments and information requests to the Trust.
2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation.
  - Respond to the complainant's request in accordance with the FOIA.
4. The Trust 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 Act and may be dealt with as a contempt of court.

## Request and response

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5. On 30 June 2019, the complainant wrote to the Trust and requested information in the following terms:

*"Reference: NELFT Pensioner Complaints*

*Reference as above, please accept this letter as a Freedom of Information request for details of all complaints against NELFT raised by existing pensioners since January 2015.*

*Reference as above, please accept this letter as a Freedom of Information request for details of all NELFT Redbridge Management Team overpayments, as published and discussed at Redbridge Management Team meetings, since January 2015*

*Reference as above, please accept this letter as a Freedom of Information request for details of all Freedom of Information requests to NELFT raised by existing pensioners since January 2015."*

6. To date, a substantive response has not been issued.

## Scope of the case

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7. The complainant contacted the Commissioner on 5 September 2019 to complain about the failure by the Trust to respond to her request.
8. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

## Reasons for decision

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9. Section 1(1) of the 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.*

10. Section 10(1) of the 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."

11. On 27 September 2019 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 20 working days.
12. Despite this intervention the Trust has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that Trust 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 the FOIA.

## 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: 0300 1234504

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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 .....**

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