

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 July 2022

Public Authority: Norfolk and Norwich University Hospitals NHS
Foundation Trust

Address: Norfolk and Norwich University Hospital
Colney Lane
Norwich
NR4 7UY

Decision (including any steps ordered)

1. The complainant requested information relating to translation and interpretation services.
2. The Commissioner's decision is that Norfolk and Norwich University Hospitals NHS Foundation Trust ('the Trust') failed to respond to the request for information within 20 working days and has therefore breached section 10 (time for compliance with the request) of FOIA.
3. The Commissioner is satisfied that the Trust has now provided a response to the request. Therefore the Commissioner does not require the Trust to take any further steps.

Request and response

4. On 5 February 2021, the complainant wrote to the Trust and requested the following information:

"1. The spending per financial year on translation services (written) and interpreting services (oral) for your organisation over each of the following 5 financial years: 2015/2016, 2016/2017, 2017/2018, 2018/2019, 2019/2020, as well as the languages involved. Please do not include data regarding the spending on services for the deaf and blind (such as sign language interpreting or Braille)."

2. The total budget for your organisation for each of the 5 financial years the information above is provided on, for all expenses not just for translation and interpreting services, i.e. to include all expenses such as salaries, utilities, equipment, consumables etc., with only the total figure given, no breakdown necessary. For example, I assume the total budget would be a few dozen or hundred million pounds per financial year. This is so that I can calculate the translation and interpreting spending as a percentage of the organisation's total budget (which I suspect would be around or under 0.1%)."
5. The Trust acknowledged the request on 5 March 2021. It apologised for the delay in acknowledging the request, citing the pandemic and resulting pressures on the Trust.
6. On 6 March 2021 the complainant refined the information they were asking for:
- "1. How much did your organisation spend on translation services (written) in the financial years 2015/2016, 2016/2017, 2017/2018, 2018/2019 and 2019/2020?
2. How much did your organisation spend on interpreting services (oral) in the financial years 2015/2016, 2016/2017, 2017/2018, 2018/2019 and 2019/2020? For the above questions (question 1 + question 2), if your records give a total figure for translation and interpreting and you cannot give separate figures, please mention this in your reply. For the interpreting spending (question 2), please mention whether it includes or excludes British Sign Language (BSL). Ideally, I would prefer the spending without BSL, but do let me know what data you can provide.
3. What languages were covered by the above spendings? Just to clarify, I do not need a breakdown of costs per language, just a list of languages that you had requests for over those five years.
4. What was the total Expenditure Budget (including financing) of your organisation for each of those financial years? It is probably something like a few hundred million pounds per annum."
7. The complainant chased their request several times, including requesting an internal review on 17 June 2021. On 11 August 2021 the complainant wrote to the Chief Executive about their request.
8. On 11 August 2021 the Trust responded and disclosed information in response to the request. It confirmed that it could not provide the financial breakdown requested for the years 2015/2016 and 2016/2017.

9. On 11 August 2021 the complainant explained that they would be happy to receive the total figure spent on translation and interpretation services which would be held by the Trust's financial department.
10. On 12 August 2021 the Trust acknowledged the complainant's further query.
11. Again, the complainant requested an internal review on 13 September 2021.

Scope of the case

12. The complainant chased this matter with the Trust again before raising a concern with the Commissioner on 15 November 2021.
13. The complainant expressed concerns about the timeliness of the Trust's handling of their request, its failure to conduct an internal review and the outstanding information.
14. The Commissioner considers the scope of his investigation is to determine whether the Trust complied with section 10 of FOIA.

Reasons for decision

15. Section 1(1) of FOIA (general right of access to information held by public authorities) states:

"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."

16. Section 10 (time for compliance with the request) states:

"...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."

17. The request was made on 5 February 2021 and therefore a response should have been provided to the complainant no later than 5 March 2021. The Commissioner notes that partial disclosure was not provided to the complainant until 11 August 2021.

18. In line with his established processes, the Commissioner contacted the Trust on 22 November 2021 to highlight the outstanding internal review. The Commissioner asked that this internal review was conducted within 10 working days, since the matter had already been delayed significantly.
19. The Trust responded to the Commissioner, and the complainant, on 2 December 2021 and provided the outcome to its internal review. As part of this review, the Trust disclosed the information referred to within paragraph 9.
20. With the above in mind, the Commissioner's decision is that the Trust has breached section 10(1) of FOIA in its handling of this request.

Other matters

21. The Commissioner considers that a reasonable time for completing an internal review is 20 working days after the date of the request for review.
22. The maximum amount of time taken should not be more than 40 working days. This longer period may be justified if an internal review is complex, requires consultation with third parties or there is a high volume of relevant information covered by the request. There will only occasionally be legitimate reasons why an extension longer than 40 working days is needed. Internal reviews are discussed in the Section 45 Code of Practice¹.
23. Though he takes into account the front-line pressures that NHS trusts faced during the coronavirus pandemic, he notes the Trust failed to acknowledge, or conduct, an internal review in line with the Code of Practice and on more than one occasion.

¹ [CoP FOI Code of Practice - Minor Amendments 20180926 .pdf \(publishing.service.gov.uk\)](#)

Right of appeal

24. 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

25. 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.
26. 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

Alice Gradwell
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
Cheshire
SK9 5AF