

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

### **Decision notice**

**Date:** 9 March 2023

**Public Authority:** Business Services Organisation

**Address:** 2 Franklin St  
Belfast  
BT2 8DQ

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

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1. The complainant has requested information from Business Services Organisation ("BSO") relating to data sharing agreements and Data Protection Impact Assessments ("DPIAs"). BSO eventually provided all of the requested information, however this was not provided in a timely manner within the statutory requirements of FOIA.
2. The Commissioner's decision is that BSO did not comply with sections 1(1) and 10(1) of FOIA.
3. As BSO has now disclosed all the outstanding information in response to the complainant's request, the Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 17 March 2021 the complainant made the following request for information:

"This is a Freedom of Information request for the following documents:-

Emergency Care Summary (ECS) Data Sharing Agreement (DSA) or equivalent documents, all versions.

Emergency Care Summary (ECS) public information documents/leaflets made available both at the time of the launch and subsequently.

Emergency Care Summary (ECS) Privacy Impact Assessment (PIA) or equivalent documents, all versions.

NI Electronic Care Record (NIECR) Privacy Impact Assessment (PIA) document, all versions.

NI Electronic Care Record (NIECR) Data Protection Impact Assessment (DPIA) document, all versions.

NI Electronic Care Record (NIECR) any equivalent documents to PIA and DPIA that may have been created, all versions.

NI Electronic Care Record (NIECR) Data Sharing Agreement (DSA) all versions.

5. BSO responded on 16 April 2021, disclosing some of the requested information to the complainant.
6. The complainant sought an internal review of BSO's response on 11 June 2021, as they had previously written to BSO on 4 May with some additional questions relating to the information they had received, as they did not consider that they had been sent all of the information held by BSO within scope of his request.
7. BSO provided an internal review response on 29 June 2021. This provided the complainant with some clarification and additional information in response to the request and follow-up questions.
8. The complainant contacted the Commissioner on 1 August 2021 and stated that there was still information outstanding from BSO who had failed to answer all the complainant's questions and provide all information within the scope of the request.
9. Following correspondence from the Commissioner, BSO provided the complainant with some further information on 27 October 2021, 21 December 2021 and again on 5 August 2022. However, this did not answer all of the complainant's remaining queries.
10. Following several further correspondences from the Commissioner, detailing the information which remained outstanding, up to and including an Information Notice served on 17 January 2023, BSO eventually answered all of the complainant's queries by providing the outstanding requested information.

## **Scope of the case**

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9. The complainant contacted the Commissioner on 18 October 2021 to complain about the way their request for information had been handled.
10. The Commissioner has considered BSO's handling of the complainant's request.

## **Reasons for decision**

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### **Procedural requirements**

#### **Section 1 - General right of access**

11. Section 1(1) of FOIA 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."
12. In its response of 16 April 2021 to the complainant's request of 17 March 2021, BSO did not disclose all information held by it which was within the scope of the complainant's request. In response to the complainant's request for internal review, BSO provided some further information, however it did not provide all the information it held which was within the scope of the complainant's request.
13. Section 10(1) of FOIA requires authorities to comply with section 1(1) within 20 working days.
14. In this case the complainant submitted their request on 17 March 2021 and did not receive all information held by BSO within the scope of that request until 24 February 2023.
15. In light of the above, the Commissioner finds that BSO did not comply with sections 1(1) and 10(1) of FOIA.

## **Other matters**

16. It was necessary for the Commissioner to issue an Information Notice in order to finally receive a full response to the outstanding queries regarding the complainant's request. The Commissioner would like to remind BSO of its obligations under FOIA in relation to both requests and complaints.

## Right of appeal

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17. 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](mailto:grc@justice.gov.uk)

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

18. 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.
19. 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 .....**

**Deirdre Collins**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**