

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 January 2025

Public Authority: Drs Hussain, Khan, Naeem and Dalal
(GP Partners of Mount Pleasant Medical Centre)

Address: 69 Purlwell Lane
Mount Pleasant
Batley
WF17 7PF

(FOIA designates each GP partner as a separate public authority. However, the Commissioner recognises that, in practice, a response from the partnership is a response on behalf of all partners)

Decision (including any steps ordered)

1. The complainant has requested information about service level agreements. The above public authority ("the public authority") relied on section 12 of FOIA (costs) to refuse the request.
2. The Commissioner's decision is that the public authority has failed to demonstrate why section 12(1) of FOIA applies. Consequently, it is not entitled to withhold the information. The public authority also breached section 10 of FOIA by failing to respond to the request within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Issue a fresh response, to the request, that does not rely on section 12(1) of FOIA.
4. The public authority must take these steps 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.

Request and response

5. On 23 March 2024, the complainant wrote to the public authority and requested information in the following terms:

"Please can you provide the following information about Mount Pleasant Medical Centre, Batley

"[1] Please provide all Service Level [sic] Agreements in all areas in Mount Pleasant Medical Centre (eg. Acknowledgement of complaints within 3 working days).

"[2] Percentage of SLA's [sic] met each year for the last 3 years."

6. The public authority initially failed to respond to the request and the Commissioner's intervention was necessary to produce a response. The public authority finally responded on 6 June 2024. It stated that complying with the request would exceed the section 12 cost limit and so it was refusing the request.
7. The complainant asked for an internal review. The public authority had failed to complete one by the date of this notice.

Reasons for decision

8. The Commissioner wrote to the public authority on 9 December 2024, asking it to set out why it considered that responding to the request would have exceeded the appropriate limit. He asked for a response by 23 December 2024 and made clear that, if the public authority failed to provide an adequate submission by that date, he may issue a decision finding that the exemption was not engaged and ordering a fresh response to be provided.
9. That letter was sent to the public authority's main mailbox. It was also copied to the individual who had signed off the public authority's original response to the request and with whom the Commissioner had already communicated about this matter. The correspondence was neither acknowledged nor responded to.
10. The public authority's original response talked about the diversion of resources that would be required to respond to the request and the consequent impact on its functions. Whilst the Commissioner recognises that these are matters of concern to the public authority, section 12 focuses only on the **cost** of complying with the request, not the **consequences**.

11. The public authority's original response referred to the collection of the information requiring "several hours of work." This was not further quantified and it is not clear how much of that work involved [permissible activities](#).
12. The Commissioner is thus unable to determine that complying with this request would exceed the FOIA cost limit of £450 or 18 hours of staff time.
13. The public authority has previously informed to the Commissioner that it has received several requests from the complainant. It may or may not have been entitled to consider the aggregated cost of complying with all or some those requests. Unfortunately the Commissioner is unable to consider such matters without evidence.
14. As the public authority's original response does not demonstrate that section 12 of FOIA applies and as it has failed to take its opportunity to provide further information supporting its position, the Commissioner has no option but to find that the exemption is not engaged.
15. The public authority must now issue a fresh response. It should either disclose the information or rely on a different exemption. If and to the extent that the public authority does rely on a different exemption, it should issue a refusal notice that complies with section 17 of FOIA.

Procedural matters

16. Section 10 of FOIA requires a public authority to confirm whether or not it holds information and to communicate any non-exempt information it does hold, to the requester within 20 working days.
17. As the public authority failed to issue its response within 20 working days, it breached section 10 of FOIA.

Other matters

18. Section 45 of the FOIA Code of Practice requires public authorities to carry out an internal review of a response to an information request – if asked to do so. This should normally take no longer than 40 working days.
19. The public authority failed to provide an internal review within 40 working days. The Commissioner considers this to be extremely poor practice.

Right of appeal

20. 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

21. 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.
22. 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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF