

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

### **Decision notice**

**Date:** 15 May 2014

**Public Authority:** Wye Valley NHS Trust  
**Address:** Hereford Hospitals NHS Trust  
The County Hospital  
Union Walk  
Hereford  
HR1 2ER

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

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1. The complainant has requested invoices and invoice reports between Wye Valley NHS Trust (the Trust) and Mercia Healthcare. The Trust initially withheld the information under section 41 and section 43 FOIA. During the course of the Commissioner's investigation the Trust disclosed the withheld information.
2. The Commissioner's decision is that the Trust has breached section 10 FOIA as it did not disclose the information within the statutory time for compliance.
3. The Commissioner requires no steps to be taken.

### **Request and response**

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4. On 17 July 2013 the complainant made the following request for information under the FOIA for:

"I am requesting further information on the relationship between Mercia Healthcare and Wye Valley Trust. Specifically I am trying to find out how much the Trust pays for hospital availability and the services it receives from the company. The documents requested set out in the 'Project Agreement' between Wye Valley Trust and Mercia Healthcare. Could I be provided with:

1. The four most recent 'Post Hospital Availability Date Invoices' sent by Mercia Healthcare to Wye Valley Trust.
2. The four most recent 'Invoice Reports' sent by Mercia Healthcare to Wye Valley Trust.
3. The four most recent 'Trust Invoice Reports' sent by Wye Valley Trust to Mercia Healthcare.

I would prefer electronic copies of all information requested."

5. On 12 August 2013 the Trust responded. It refused to provide the requested information under section 41 and section 43(2) FOIA.
6. The complainant requested an internal review on 27 August 2013. The Trust sent the outcome of its internal review on 24 September 2013. It upheld its original position.
7. During the course of the Commissioner's investigation the Trust disclosed the withheld information.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 4 November 2013 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the Trust complied with section 10 FOIA in its handling of this request.

### **Reasons for decision**

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10. Section 10 of FOIA states that information which is held by a public authority and is not exempt from disclosure, should be disclosed within 20 working days of the request being made.
11. In this case the Trust did not disclose the information until during the course of the Commissioner's investigation. It did not therefore provide the information within the statutory time for compliance as set out in section 10 FOIA.

## Right of appeal

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12. 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: 0116 249 4253

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

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

13. 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.
14. 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 .....**

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