

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 20 May 2014

Public Authority: Camden and Islington NHS Foundation Trust
Address: St. Pancras Hospital
4 St. Pancras Way
London
NW1 0PE

Decision (including any steps ordered)

1. The complainant requested a copy of the current council of governors register of interests.
2. The Commissioner's decision is that Camden and Islington NHS Foundation Trust (The Trust) has failed to provide a response to the request within the statutory time frame of 20 working days. He upholds the complaint but requires no further action to be taken as a response has been provided to the complainant.

Request and response

3. On 26 November 2013, the complainant wrote to the Trust and requested information in the following terms:
'Under provisions in the Freedom of Information Act 2000, please provide me with a copy of the current council of governors register of interests. Please also inform me of the date it was last updated.'
4. The Trust responded on 30 December 2013. It provided a link to the register of interests of the Governors who were in service at the time of the request, last updated on 11 December 2013.

Scope of the case

5. The complainant contacted the Commissioner on 27 February 2014 stating that he had received an incorrect response as the register had post-dated his original request.
6. On 29 April 2014, during the investigation of the Commissioner, the Trust provided a copy of the register as published at the time of the request in November. The Commissioner considers the scope of this case to be to determine if the response to the request for information has been dealt with within the required timescales under section 10 of the FOIA.

Reasons for decision

7. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
8. Section 10 of FOIA states that, "... 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."
9. In this case the original request was made on 26 November 2013. The Trust provided its first response on 30 December 2013 and provided a further response on 29 April 2014.
10. As the Trust did not provide all information relevant to the scope of the request within 20 working days it did not comply with section 10(1) FOIA in handling this request.
11. The Commissioner has therefore recorded a breach of section 10(1) of the FOIA by the Trust.
12. In reaching this decision the Commissioner notes that the route to this complaint stems from the Trust providing the information post-dating the request and not pre-dating the request. It is important to look at a request promptly on the date it is received and check what information is in scope.

Right of appeal

13. 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

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

14. 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.
15. 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
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Wycliffe House
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SK9 5AF