



## **Freedom of Information Act 2000 (Section 50)**

### **Decision Notice**

**Dated 23 June 2006**

**Public Authority: Hounslow Primary Care Trust**

**Address: Phoenix Court  
51 Staines Road  
Hounslow  
Middlesex  
TW4 5DP**

#### **Summary Decision and Action Required**

**The Commissioner's decision in this matter is that the public authority has not dealt with the complainant's request in accordance with Part I of the Act in that it has failed to respond to a request for information made to it.**

**The Commissioner therefore requires that the public authority responds to the request in accordance with the requirements of section 1 or issues a refusal notice which meets the requirements of section 17.**

#### **1. Freedom of Information Act 2000 (the 'Act') – Application for a Decision and the Duty of the Commissioner**

1.1 The Information Commissioner (the 'Commissioner') has received an application for a decision whether, in any specified respect, the complainant's request for information made to Hounslow Primary Care Trust (the 'public authority') has been dealt with in accordance with the requirements of Part I of the Act.

1.2 Where a complainant has made an application for a decision, unless:

- a complainant has failed to exhaust a local complaints procedure, or
- the application is frivolous or vexatious, or
- the application has been subject to undue delay, or
- the application has been withdrawn or abandoned,

the Commissioner is under a duty to make a decision.

- 1.3 The Commissioner shall either notify the complainant that he has not made a decision (and his grounds for not doing so) or shall serve a notice of his decision on both the complainant and the public authority.

## 2. The Complaint

- 2.1 The complainant has advised that on 14 February 2006 the following information was requested from the public authority in accordance with section 1 of the Act:

Incoming and outgoing correspondence for the following four parties:

- Vicarage Farm Nursing Home
- Dr. [name redacted]
- The Metropolitan Police
- The West London Coroner

in connection with the care treatment of the complainant's father-in-law.

- 2.2 The public authority did not respond to this request, and on 6 April 2005 the complainant asked the Commissioner to investigate.

## 3. Relevant Statutory Obligations under the Act

- 3.1 **Section 1(1)** provides that –

“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.”

- 3.2 **Section 17** provides that –

“A public authority which... is to any extent relying:

- on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request, or
- on a claim that information is exempt information

must, within the time for complying with section 1(1), give the applicant a notice which –

- (a) states that fact,
- (b) specifies the exemption in question, and

(c) states (if that would not otherwise be apparent) why the exemption applies.”

#### **4. Review of the case**

- 4.1 The complainant initially complained to the Commissioner on 20 April 2005 about a previous request for information made to the public authority on 1 January 2005. This request was also for information relating to the care treatment of the complainant’s father-in-law. The public authority responded, but the complainant was dissatisfied with the response and he wrote to the public authority accordingly on 22 March 2005. The complainant then complained to the Commissioner on 20 April 2005 that he had not received a response to his letter of 22 March 2005. The Commissioner wrote to the public authority asking it to conduct the requested review.
- 4.2 On 10 February 2006, the public authority wrote to the complainant stating that it had reviewed its handling of the request. The letter stated that the cost of complying with the request would exceed the appropriate limit of £450 and offered the complainant the opportunity to narrow the scope of the request and the opportunity to meet and discuss the request.
- 4.7 On 14 February 2006, the complainant wrote to the public authority with a narrowed request for information and suggested dates for a meeting. On 6 April 2006, the complainant informed the Commissioner that the public authority had not responded to the narrowed request. In an email of 18 April and a letter of 21 April 2006, the Commissioner asked the public authority to respond to the complainant’s correspondence of 14 February 2006, and to be forwarded a copy of its response. The Commissioner informed the public authority that, if a response was not issued by 25 April 2006, he would issue a Decision Notice obliging the public authority to respond. On 28 April 2006, the Commissioner wrote to the complainant to ascertain whether a response had been received from the public authority. On 11 May 2006, the complainant informed the Commissioner that no response had been received from the public authority.
- 4.8 The complainant has not expressed any dissatisfaction with the public authority’s review of its handling of the request of 1 January 2005. As such, the Commissioner has not considered this matter further. The decision reached in this notice relates solely to the lack of a response being issued to the complainant’s narrowed request for information of 14 February 2006.

#### **5. The Commissioner’s Decision**

- 5.1 The Commissioner’s decision in this matter is that the public authority has not dealt with the complainant’s request in accordance with the following requirements of Part I of the Act:

**Section 1(1)** - in that it failed, to inform the complainant in writing whether it held information of the description specified in the complainant’s request and, if held, to communicate to the complainant such of the information specified in his request as

did not fall within any of the absolute exemptions from the right of access nor within any of the qualified exemptions under which the consideration of the public interest in accordance with section 2 would authorise the Public Authority to refuse access.

**6. Action Required**

- 6.1 The Commissioner requires the public authority either to confirm or deny that the requested information is held by it and to communicate that information to the complainant, or, if the information is exempt information, to give the complainant a refusal notice in accordance with section 17 of the Act.
- 6.2 In the event that the public authority requires additional information from the complaint in order to be able to locate the requested information or is uncertain as to the scope or nature of the request it should contact the complainant in order to clarify the request or to offer assistance to the complainant in reframing the request in accordance with section 16 of the Act.
- 6.3 The Commissioner requires these steps to be carried out within 30 days of the date of service of this notice.

**7. Right of Appeal**

- 7.1 Either party has the right to appeal against this Decision Notice to the Information Tribunal (the "Tribunal"). Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester LE1 6ZX

Tel: 0845 600 0877 Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

- 7.2 Any Notice of Appeal should be served on the Tribunal within 28 days of the date on which this Decision Notice is served.

**Dated the 23rd day of June 2006**

**Signed .....**

**Phil Boyd  
Assistant Commissioner**

**Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**