

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

### **Decision notice**

**Date:** 24 May 2022

**Public Authority:** Dr Parvinder Singh Garcha, Dr Kultar Singh Garcha and Dr Iryan Cooper (Partners of Hounslow Family Practice)

**Address:** Hounslow Family Practice  
77 Lampton Road  
Hounslow  
TW3 4JX

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

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1. The complainant requested information relating to diagnosis of pernicious anaemia. By the date of this notice the partners of Hounslow Family Practice ("the Practice") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Practice has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Practice to take the following step to ensure compliance with the legislation.
  - The Practice must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Practice must take this step within 35 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 FOIA and may be dealt with as a contempt of court.

## **Status of GPs under FOIA**

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5. The Commissioner notes that Hounslow Family Practice itself is not a public authority for the purposes of FOIA. Rather, each GP within the practice is a separate legal person and therefore each is a separate public authority. The Commissioner acknowledges that when a person makes a freedom of information request to a medical practice it is reasonable to expect for convenience that the practice will act as a single point of contact. However, each GP has a duty under section 1 of FOIA to confirm or deny whether they hold information and then to provide the requested information, subject to the application of any exemptions. For ease and clarity, this decision notice refers to "the Practice", where appropriate, in detailing the correspondence and analysis that has taken place.

## **Request and response**

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6. On 14 September 2021, the complainant wrote to the Practice and requested information in the following terms:

"Please confirm the following information in relation to Hounslow Family Practice (HFP):

  1. The number of patients under the Hounslow Family Practice that have been diagnosed, by the practice, as having pernicious anaemia.
  2. The criteria used to confirm a diagnosis of pernicious anaemia by the HFP.
  3. What measures are in place to protect patients whilst the a diagnosis of pernicious anaemia is being considered?
  3. If there is no data provided for 2 above, then please confirm how HFP would make a diagnosis of pernicious anaemia."
7. To date, a substantive response has not been issued.

## **Scope of the case**

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8. The complainant contacted the Commissioner on 9 January 2022 to complain about the failure by the Practice to respond to their request.
9. The Commissioner has considered whether the Practice has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

## Reasons for decision

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10. Section 1(1) of the FOIA states 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.”

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt.”

12. On 4 May 2022 the Commissioner wrote to the Practice, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

13. Despite this intervention the Practice has failed to respond to the complainant.

14. From the evidence provided to the Commissioner in this case, it is clear that the Practice did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Practice has breached section 10(1) by failing to respond to the request within 20 working days and they are now required to respond to the request in accordance with FOIA.

## Right of appeal

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15. 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: 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)

16. 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.
17. 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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**