



**First-tier Tribunal  
(General Regulatory Chamber)  
Information Rights**

**Appeal Reference: EA/2017/0110**

**Heard at Wigan County Court  
On 14 June 2018**

**Representation:**

**Appellant: in person**

**First Respondent: The Information Commissioner did not appear**

**Second Respondent (Wigan Borough Clinical Commissioning Group): Mrs Harvey  
Smith (Counsel)**

**Before**

**JUDGE BUCKLEY**

**DR MALCOLM CLARKE AND PAUL TAYLOR**

**Between**

**MARTIN L ADEDEJI**

Appellant

**and**

**THE INFORMATION COMMISSIONER**

Respondent

**and**

**WIGAN BOROUGH CLINICAL COMMISSIONING GROUP**

Second Respondent

## ANNEX A

<b>ANNEX A: Table prepared by the panel in EA/2017/0110</b>				
<b>Note: 'DoH Bundle' documents are EA/2017/0137 documents provided to the CCG in the hearing.</b>				
Date (bundle page)	Response to	From	Body said to be responsible	Detail
23 April 2013 (cited at p191)	Complaint about PCT	Ombudsman	CCG	'You may now be aware that the PCT closed at the end of March and has now been taken over by [the CCG]... We have asked the CCG to ... apologise on the the PCT's behalf'.
18 July 2013 (cited at p156)	Complaint about PCT/CCG to Ombudsman	Ombudsman	PCT/CCG	'If you have not yet complained to the PCT/CCG then we will not be able to taken any action until you have done this'
20 Sep 2013 (p123)	Complaints about Dicconson GP (and PCT?) 20/9/113	CCG	NHS England	CCG no longer authorised to handle complaints regarding GP practices. 'To make a formal complaint you can contact NHS England.'
29 October 2013 (p154)	Complaint about Dr Seabrook and the PCT 5/10/13	CCG	NHS England/NHS North of England	As above (20/9/13) and 'we cannot investigate cases managed by the former PCT' redirects to NHS North of England
?Nov 2013 (p130 DoH bundle)	Query 29/10/13 about how to make formal complaint about	Department of Health	The CCG	Following the dissolution of PCTs, patients can make

	previous PCT's service failure			complaints about the services provided by a former PCT to the successor organisation of the PCT which will usually be a CCG, which will be able to advise a complainant further. ..For further information on the complaints data held by PCTs you should contact the relevant successor CCGs.
20 November 2013 (p111)	Complaint about PCT and 5 Boroughs Partnership NHS Trust dated 6/9/13 (and also possibly 11/10/13 complaint)	CCG	N/A	Refusal to investigate because over 12 months old
5 December 2013 (p25)	SAR 22/10/13	CCG	Department of Health	'the CCG has no responsibility for complaints relating to [the PCT's] activities. When PCTs were abolished...the responsibility for their legacy issues passed to the Department of Health.
11 December 2013 (p188)	Complaint of 10/12/13 about PCT.	CCG	Department of Health Legacy Team	'As previously advised' any queries or complaints relating to PCTs should be directed to the

				Department of Health Legacy Team.
6 May 2014 (quoted on p75A– appears at p132 DoH bundle)	SAR 28/4/14 for personal data held by PCT and North West SRA	Department of Health	Bridgewater Community Health Care NHS Trust	May now be responsible for A's personal data once held by the PCT
24 June 2014 (p294)	Complaint of 22/5/14 about GPs and 5BP predating CCG but discovered afterwards.	The CCG	Dicconson GP/Department of Health Legacy Team/Ombudsman	'The issues you refer to pre-date this organisation and therefore we cannot investigate them... we now consider your requests are unreasonable and persistent in their nature.' Redirects A to the organisation individuals are employed by , if unsatisfactory response contact Department of of Health then Ombudsman.
7 August 2014 (p327)	Complaint of 22/5/2014 (above)	NHS England	The CCG	'The Trust have confirmed that you can take your complaint to the CCG. The CCG commission Hospital Services, so if you wish you can request the CCG to investigate this'
14 January 2015 (p269A)	SAR 7/1/15 asking for all personal data regarding the formal complaint made to CCG on	The CCG	Not the CCG	States both issues are pre-existence of CCG. In relation to issues occurring prior to existence of

	22/5/14 and personal data regarding their conclusion that his requests are unreasonable and persistent.			CCG will not respond further.
22 April 2015 resent on 1 June 2015 (p80A)	SAR 28/04/14 for personal data which was held by PCT and North West SRA	Department of Health	The CCG	The CCG replaced the PCT and therefore the CCG is best placed to assist in relation to personal data once held by PCT
25 Nov 2015 (p53A)	Third party 'Miss Belle' FOI request asking for documentation that states who had legal liability for service user person data processed by the PCT in their handling of service user complaints.	Department of Health	The CCG (')	Document entitled 'Part 8 Information, Data and Records' show that in relation to all complaints and PALS management data the nominated transferee is the CCG.
9 Mar 2016 (p38A)	Complaint 6/3/16 (p31) about PCT's failure in its response to SAR	NHS England	Department of Health	'NHS England is unable to investigate your concerns as we are not the data controller for the records you discuss.' PCTs no longer in operation. Records held by them that are no longer active will have been archived by the Department of Health.
30 Mar 2016 (p60A)	SAR 19/3/2016 for copy of all personal data relating to 2010	CCG	NHS England/Department of Health	NHS England is named as being able to assist with the query

	complaint to PCT.			(but contact email given is Department of Health)
5 April 2016 (p43)	Complaint 6/3/16 (p31) about PCT's failure in its response to SAR	Department of Health	The CCG	The CCG, the successor organisation to the PCT is best placed to respond to those concerns.
7 April 2016 (p45)	Complaint 6/3/16 (p31) about PCT's failure in its response to SAR	NHS England	Department of Health	NHS England is the successor organisation to the PCT but there is a legacy team dealing with PCT complaints and they are based at the Department of Health. You will need to direct your complaint through them.
14 April 2016 (p141 DoH bundle)	FOI request 17/3/16 asking for name and address details as to where one should send complaints (that complainants have only become aware of within the last 12 months) regarding the PCT	Department of Health	The CCG	As previously advised the CCG, the successor organisation to the PCT is best placed to handle complaints about the PCT.
1 June 2016 (Cited in letter dated 20/4/16 p142 DOH bundle)	FOI 5/5/16 for name of organisation which handles complaints about PCTs/the PCT which the complainant has only become aware of in the last 12 months	Department of Health	CCG	As you have previously been advised for information on the complaints data held by former PCTs you should contact the relevant successor CCGs.

7 July 2016 (p144 DoH bundle)	Request for internal review re FOI 5/5/16	Department of Health	The CCG	The information you are seeking is not held centrally by the Department of Health. For information on the complaints data held by former PCTs you should contact the relevant successor CCG.
19 July 2016 (p66B)	Response to 18/7/16 FOI request for copy of recorded information showing who is data controller of personal data processed by the PCT during handling of service user's complaints.	CCG	NHS England	The CCG does not hold information prior to April 2013. NHS England 'holds all legacy information'.
21 July 2016 (p323B)	Response to 18/7/16 FOI request for copy of recorded information showing who is data controller of personal data processed by the PCT during handling of service user's complaints.	CCG	NHS England	Repeats info from 19/7/17 and adds: 'Legacy information is information that existed before April 2013' Redirect to NHS England.
28 July 2016 (p329A)	Further response to 18/7/16 FOI request.	CCG	NHS England	Accepts that had misunderstood request, but asserts information provided – NHS England is data controller.
1 August 2016 (p333A)	Internal review re 18/7/16 FOI request	CCG	NHS England	Data controller is NHS England.

20 April 2017 (p100-101 DoH bundle)	Response to 20/4/17 FOI request	Department of Health	The organisation which has inherited the function about which the complaint is made, which could be the CCG, NHS England, Department of Health etc. depending on the function.	
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