



FREEDOM OF INFORMATION ACT 2000 (SECTION 50)

DECISION NOTICE

Dated 23 March 2006

Name of Public Authority: Tendring Primary Care Trust

Address of Public Authority: Kennedy House
Kennedy Way
Clacton-on-Sea
Essex
CO15 4AB

Nature of Complaint

The Information Commissioner (the "Commissioner") has received a complaint which states that on the 9 June 2005 the following information was requested from the Family Health Services, an agency of the Public Authority, under section 1 of the Freedom of Information Act 2000 (the "Act"):

"I would; in particular, like to know if any other surgeries in the Maldon PCT area don't get a 100% rent reimbursement and, if so, why?"

It is alleged that:

The complainant did not receive any response to his request for information within 20 working days of its receipt.

The Commissioner's Decision

Under section 50(1) of the Act, except where a complainant has failed to exhaust a local complaints procedure, or where the complaint is frivolous or vexatious, subject to undue delay, or has been withdrawn, the Commissioner is under a duty to consider whether the request for information has been dealt with in accordance with the requirements of Part I of the Act and to issue a Decision Notice to both the complainant and the public authority.

The Commissioner's decision is as follows:

The request was made on the 10 February 2005. Family Health Services did not comply with this request until the 12 August 2005.

Section 10(1) of the Act states:

“...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.”

The public authority did not respond to the complainant’s request within 20 working days. This is a clear breach of the Act. 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 requirement of Part I of the Act:

Section 10(1) - in that it exceeded the statutory time limit for responding to a request made under section 1(1).

Action Required

As the information has now been provided, albeit late, the Commissioner hereby gives notice that he does not require any remedial steps to be taken by the Public Authority and its agent Family Health Services in relation to this matter. However, the Commissioner notes that no satisfactory reason has been given for the lengthy delay in dealing with this request and would expect that the Public Authority will take action to ensure that any future requests received by its agent Family Health Services are complied with in accordance with the Act.

Right of Appeal

Either party has the right to appeal against this Decision Notice to the Information Tribunal (the “Tribunal”). Information about the appeals process can be obtained from:

Information Tribunal	Tel: 0845 6000 877
Arnhem House Support Centre	Fax: 0116 249 4253
PO Box 6987	Email: informationtribunal@dca.gsi.gov.uk
Leicester LE1 6ZX	

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 23 day of March 2006

Signed:

Phil Boyd
Assistant Commissioner
Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow Cheshire SK9 5AF