

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 November 2022

Public Authority: Hampshire and Isle of Wight Integrated Care System

Address: Ground Floor
Castle Avenue
Winchester
SO23 8UJ

Decision (including any steps ordered)

1. The complainant's request was made to Hampshire, Southampton and Isle of Wight CCG. The CCG is now part of Hampshire and Isle of Wight Integrated Care System (the public authority). The complainant requested all relevant documentation, evidence and factual information used by the public authority in correspondence with them over a complaint they made about the care they received from South Coast Fatigue (SCF). The public authority went through the complainant's multi part request and provided its response under FOIA to each.
2. The complainant is not happy with the information provided and does not consider the public authority has fully complied with its obligations under FOIA.
3. The Commissioner's decision is that on the balance of probabilities the public authority has provided all the recorded information it holds and has therefore now met its obligations under FOIA.
4. It is noted that the public authority provided additional information to the complainant during the Commissioner's investigation. As this is information which should have been provided within 20 working days of the receipt of the request, the Commissioner has recorded a breach of section 1 and 10 of FOIA.
5. The Commissioner does not require any further action to be taken.

Request and response

6. On 29 December 2021 the complainant wrote to the public authority and requested all the recorded information the public authority holds which was used by the public authority in its correspondence with them over a complaint they made about the care they received from SCF. The complainant used specific statements made by the public authority in its correspondence with them as separate headings and then proceeded to ask a number of questions in connection with that heading. As there was a total of 217 questions these will not be individually referenced here.
7. The public authority responded on 22 February 2022. It provided an individual response to each question either providing the information it had or confirming that it was not held.
8. The complainant requested an internal review on 28 February 2022. They raised concerns over some of the answers, especially where the public authority said it did not have the information. The complainant did not feel the response was adequate and in line with the public authority's obligations under FOIA.
9. The public authority carried out an internal review and notified the complainant of its findings on 22 March 2022. It provided a further response addressing each individual question.

Scope of the case

10. The complainant contacted the Commissioner on 20 April 2022 to complain about the way their request for information had been handled. They believe further recorded information is held and the public authority has failed to comply fully with FOIA.
11. The Commissioner considers the scope of his investigation to be to determine whether on the balance of probabilities the public authority holds any further recorded information. He will also consider if there have been any procedural breaches of FOIA.

Reasons for decision

12. The Commissioner reviewed the public authority's responses and felt that it was possible that it would hold additional information to that already provided. He therefore contacted the public authority and requested that it review the request again and carry out further searches to ensure that all recorded information has been identified.

13. The Commissioner also highlighted to the public authority that if SCF holds the information and it is information which the public authority would be entitled to see, it would be information held on behalf of the public authority for the purposes of FOIA.
14. The public authority complied and identified additional information, which it then supplied to the complainant in a further response. It confirmed that it had carried out searches of its Mental Health Team's electronic files and emails and was now satisfied that it had identified all the recorded information it holds.
15. Section 1 of FOIA is about the right to access recorded information, rather than the right to receive bespoke answers to questions. The Commissioner's role isn't to determine whether questions have been satisfactorily addressed, but to decide whether any more information is held in recorded form.
16. The Commissioner is satisfied that adequate searches have now been carried out and that on the balance of probabilities the public authority has now identified all the recorded information it holds. For these reasons, the Commissioner is satisfied that the public authority has now met its obligations under FOIA.
17. He does however note that additional information was found as a result of the Commissioner's investigation: information which should have been provided to the complainant within 20 working days of the receipt of the request. As a result the Commissioner has found the public authority in breach of section 1 and 10 of FOIA.
18. The public authority also failed to respond to the request initially within 20 working days of receipt. This is also a breach of section 10 of FOIA.
19. It is noted that the public authority has applied section 40(1) of FOIA to one question which relates to the date the complainant's own funding request was received. This is a request for the complainant's own personal data. The information is exempt under FOIA because such requests should be processed under the Data Protection Act (DPA).

Right of appeal

20. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

21. 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.
22. 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

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF