



Information Commissioner's Office
Promoting public access to official information
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Press Release

For immediate release

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ICO criticises health body over FOI failures

The Information Commissioner, Richard Thomas, has strongly criticised Hounslow Primary Care Trust (PCT) for failing to meet its obligations under the Freedom of Information Act (FOI). The PCT failed to respond adequately to FOI requests, refused to provide all the relevant documents to the requester, missed several key deadlines for responding to both the requester and the Information Commissioner, and has committed numerous breaches of the Act.

Richard Thomas said: 'Hounslow PCT's records management is clearly inadequate and its performance in handling this case has been totally unacceptable. The Freedom of Information Act must be properly implemented by public bodies - it is not a voluntary scheme that organisations can dip in and out of - I consider that other health trusts and public authorities could usefully learn lessons from this case.'

The criticism comes as the Information Commissioner's Office (ICO) publishes a Decision Notice concerning the PCT. On 1 January 2005 Hounslow PCT received a request asking for information relating to the care provided to the requester's late father-in-law. The requester felt that the information supplied was inadequate and submitted a refined request in February 2006 for all correspondence between the PCT, a nursing home, a doctor, the Metropolitan Police and the West London Coroner.

During this case the Information Commissioner needed to see the requested materials held by the PCT to make a proper judgement about whether they should be disclosed. The PCT failed on numerous occasions to respond to requests from the ICO to see the relevant information. An Information Notice was served ordering

the organisation to supply the required material to the ICO. The PCT failed to respond and Richard Thomas then served draft High Court papers on the PCT – the first time this has happened under FOI - certifying that it was in contempt of court for failing to respond to the Information Notice. The PCT did then provide the information to the ICO.

The Information Commissioner is particularly concerned that, despite assurances that the PCT did not hold some of the specific material requested, it subsequently located relevant documents. This piecemeal approach to disclosure has led the Commissioner to recommend that the PCT reviews its records management system and takes advice from the Records Management Advisory Service at the National Archives.

The PCT ultimately provided some information to the requester and the Commissioner decided that it was justified in deleting the names of junior staff. It was also correct to withhold some information on the basis of a number of exemptions. The Information Commissioner has decided – on the balance of probabilities – that the PCT does not hold any further information. However, the Information Commissioner ruled that the PCT committed a number of breaches of the Act by failing to disclose information within 20 working days and for failing to provide a refusal notice citing the exemptions that it later relied on to withhold and/or delete some of the information.

The Information Commissioner's Decision Notice orders the PCT to supply a number of further documents to the complainant, as well as the names of senior staff that it earlier removed from information.

Should Hounslow PCT fail to comply with this Decision Notice, the ICO is likely to refer the matter to the High Court. The ICO is expecting a step change in the way the public body handles future information requests. Similar failures in future cases by the PCT are likely to result in the Information Commissioner taking enforcement action against.

The full decision notice can be viewed [here](#).

ENDS

If you need more information, please contact the Information Commissioner's press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. The Information Commissioner promotes public access to official information and protects personal information. The ICO is an independent body with specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003.
2. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk
3. The PCT was served with an information notice on 18 January 2007. It failed to respond until 14 August 2007. An information notice was also served in an early related case on 4 October 2006 but it was not until 28 November 2006 that the PCT responded. In both cases the deadline for responses is 30 calendar days.