

**Corporate Secretary**

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2 June 2009

Mr R Clark

[xxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx](mailto:xxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxxxxxxx.xxx)

Dear Mr Clark

**Internal review of response  
Request made under the Freedom of Information Act 2000 (FOI 09/027)**

I write with reference to your email of 24 April 2009 asking for an internal review of the response to your request under the Freedom of Information Act 2000 given in Mrs Turner-Saint's letter of 6 March 2009.

Your request for a review relates specifically to the fact that Mrs Turner-Saint did not supply the information you asked for on the number of people who received any chemotherapy in 2008.

In her letter of 6 March, Mrs Turner-Saint explained that she could not provide precisely the data you wanted because changes to clinical coding in 2007 meant that the figure in question could only be obtained by sourcing and analysing all patients coded in the new format, which in turn would entail a significant amount of clinical staff time outside of normal duties.

She then explained that because the additional cost of meeting the request would exceed the cost threshold of £450 set out in the Act, the Trust was exercising its discretion not to provide the specific data.

In undertaking my review, I have considered the following:

1. Your request was received on 28 January 2009, which meant that a reply was due by 25 February 2009 to meet the twenty working-day time limit for a response.
2. Clarification of the information you wanted was sought and received on 10 February, which meant that the twenty working-day time limit for a response was (in accordance with the provisions of the Act) re-set to begin from that date, giving a revised response date of 10 March.
3. Mrs Turner-Saint's response was sent to you on 6 March, which was within the twenty working-day time limit.

4. Mrs Turner-Saint explained in her response that she could not provide precisely the data you wanted and why this was so. She explained that the precise data you wanted could only be provided at additional cost in excess of the threshold in the Act, and that the Trust was therefore exercising its discretion under section 12 of the Act not to provide the specific data.
5. I have examined the cost assessment prepared by Mrs Turner-Saint and I am satisfied that it has been properly undertaken. It is estimated that it would cost £3,200 to source and analyse all patients coded in the new format, which is substantially above the threshold of £450 set out in the Act.
6. Mrs Turner-Saint explained that it is the Trust's policy to exercise its discretion not to provide information where the cost of doing so exceeds the statutory threshold. This is correct. Where the cost exceeds the statutory threshold, the Act allows the Trust either to refuse to provide information or to provide it on payment of a fee. The Trust's policy is always to choose not to provide information since it considers that this is in the best interests of the day-to-day management of services for patients.
7. I note that Mrs Turner-Saint did provide the data readily available from the standard coding procedure. This meets the requirement in the Act to make available to you any data relevant to your request which are within the cost limit.
8. Since the options are between providing the precise data you want (at substantial additional cost) or providing the data available from the standard coding procedure, I am satisfied that it is not practically possible to tailor the request to avoid incurring costs in excess of the threshold.

From my review, I am satisfied that your request under the Freedom of Information Act has been dealt with appropriately and that the decision not to provide the specific information requested on chemotherapy on the grounds of cost is reasonable.

Should you consider this not to be the case, you can apply to the Information Commissioner, who will consider whether the Trust has complied with its obligations under the Act. You can find out more on the Information Commissioner's website at: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk). The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Finally, as a matter of courtesy, I am sending a copy of this letter to Mrs Turner-Saint.

Yours sincerely



Terry Alty  
Corporate Secretary

cc Mrs S Turner-Saint, Head of Communications