

Joe Whittaker

Sent by email: request-602966-eb8c724d@whatdotheyknow.com

Our ref: 1160

Friday 1 November 2019

Dear Mr Whittaker,

Re: Freedom of Information Act Request

Thank you for your email 4 October 2019 requesting a review of the response you received from NHS Derby and Derbyshire Clinical Commissioning Group (CCG) following your request for information. This original request for information was allocated reference 1160 in the CCG's request log.

I can confirm that a full internal review has now been concluded and this letter details the outcomes of that review. The review was conducted by Sean Thornton, Assistant Director Communications and Engagement (the reviewer). The coordination of responses under the Freedom of Information Act is discharged by the team led by the reviewer, but the reviewer had had no prior knowledge of or involvement in the original requests or response made in this case. In line with the CCG's FOI Policy, the review assessed whether the authority has complied with its responsibilities under the FOIA, as detailed below. Overview, the review was conducted:

1. To assess whether the authority has complied with its responsibilities under the FOIA, including timeliness and the duty to advise and assist.
2. To consider the information released against the information requested and make a full review of the papers associated with the original application, if appropriate, discussing the decisions with staff who dealt with the initial application.
3. To re-consider any public interest in disclosure and determine whether the information should be disclosed.

Overall, the reviewer has found that:

- The response to request 1160 was issued within the prescribed 20 working days.
- The CCG confirmed at the start of its response that it held the information requested, in accordance with section 1 (1) of the FOI Act, modifying this to say it held some of the information.
- The response issued included a Section 12(1) exemption, stating that the request would exceed to limit of £450/18 hours to locate, retrieve and extract information.
- The CCG aimed to assist the requester in line with duties under Section 16 of the Act by suggesting a revision of the request to assist in providing more specific information.
- The CCG did not release any information in its response to this request, instead

claiming exemption under Section 12 (1) of the Act. The matter at hand is whether the calculation of expected time taken to meet the demands of the request was fair. The response set out the following calculation

“...we received 597 referrals in the four months April to July 2019. It takes approximately 2 minutes to manually check each referral to see if the person had a diagnosis of Alzheimer's, therefore for even this four month period it would take over 18 hours to complete your request.”

This calculation is accurate and is a fair reflection of the time required to fulfil the request. On this basis it was reasonable to suggest that the requestor might refine the scope of their request to enable to CCG to provide an appropriate response. Comparison with other authorities to whom the request may have been directed, and their ability to respond, is not a fair comparison to this CCG.

- There is no public interest test applicable to this request. The request wasn't declined and the CCG would release the relevant information without delay or further exemption should it fall within the time/cost limits.

Review Conclusions

It is evident from reviewing the process followed with this request that a fair decision was reached and that the deployment of a Section 12 (1) exemption was reasonable. The offer to enable the requestor to clarify the scope of their request was proper and indeed the requestor has offered clarification of scope in their request for a review, although this does appear to broaden the scope rather than narrow it.

I hope that this response is satisfactory and concludes the review process in an acceptable way. If you are still dissatisfied that you have been provided with a comprehensive set of documents then please do not hesitate to contact me, You may also contact the Information Commissioner, the official regulator for the Freedom of Information Act:

Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 0303 123 1113

Email: casework@ico.org.uk

Web: <http://www.informationcommissioner.gov.uk>

Yours sincerely,

Sean Thornton

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