

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 27 June 2023

Public Authority: London Ambulance Service NHS Trust
Address: 220 Waterloo Road
London
SE1 8SD

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-226787-V8Q7 for a decision whether a request for information made by the complainant to London Ambulance Service NHS Trust (the Trust) on 31 January 2023 has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to the Trust on 10 May 2023, asking it to provide its justification for applying section 43(2) (commercial interests) of FOIA to the request, and to provide him with a copy of the withheld information. The Commissioner gave the Trust ten working days to provide the requested information.
3. The Commissioner chased this matter on 25 May 2023, again giving the Trust ten working days to provide the requested information.
4. Because he received no acknowledgment to either of the aforementioned emails, he wrote to the Trust on 9 June 2023, copying in an alternative email address.
5. To date, the Trust has not provided the requested information or acknowledged any of the Commissioner's correspondence about this case.

Information required

6. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Trust shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - Answers to the Commissioner's questions contained within his correspondence of 10 May 2023.
 - A copy of the withheld information.
7. Upon reviewing the case again, the Commissioner can see that the Trust is relying upon section 43(2) to withhold any spend that doesn't reach the threshold for publication and section 21 (information reasonably accessible to applicant via other means) to withhold any spend that does reach the threshold for publication. Therefore, the Commissioner also requires answers to the following questions:
 - Please clearly explain how the requested information would be accessed by the applicant and why this information is considered to be **reasonably** accessible to him specifically.
 - If the information in question is available online, please provide the relevant and specific URLs. Please confirm when this

information was uploaded onto the website or confirm that the information was available via this route at the date of the request.

- The complainant expressed concern that the URL the Trust previously provided did not lead to the information being withheld under section 21. Please address this.
- Has the Trust taken into account the particular circumstances of the applicant when deciding whether access to the information is reasonable?
- Where the public authority has applied section 21(2)(b), please provide details of the enactment which public authority is relying upon.

Failure to comply

8. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Right of appeal

9. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

10. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

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