

Freedom of Information Act 2000 (Section 51)

Information notice

Date: 22 April 2024

Public Authority: NHS Property Services Limited

Address: Regent House
Heaton Lane
Stockport
SK4 1BS

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-279039-T5S4 for a decision whether a request for information made by the complainant to NHS Property Services Limited on 9 November 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

Nature of complaint

2. The Commissioner wrote to NHS Property Services Limited on 27 March 2024 inviting it to provide its submissions in respect of the complaint.
3. To date, NHS Property Services Limited has not provided a response to the Commissioner in relation to this request. The Commissioner therefore considers it appropriate to proceed to an Information Notice.

Information required

4. 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 NHS Property Services Limited shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
 - A full substantive response to the correspondence and the questions asked of NHS Property Services Limited in the Commissioner's letter dated 25 July 2023.
 - A copy of the withheld information.

Failure to comply

5. 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

6. 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

7. 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 by

Jill Hulley

Senior Case Officer

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF