



East London

**NHS Foundation Trust
Information Governance**

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London
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Email elft.foi@nhs.net

Website: <https://www.elft.nhs.uk>

25th October 2024

Our reference: FOI DA5529aR

I am responding to your request for an internal review under the Freedom of Information Act 2000 which was received on 30th September 2024. This was regarding our response on 26th September 2024.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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We care . We respect . We are inclusive

Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request:

I am writing to request an internal review of ELFT's decision in relation to Question 3 of Freedom of Information case FOI DA5529.

ELFT has refused to provide correspondence under Section 32. I contend that this is an abuse of Section 32 and will not withstand the scrutiny of a formal complaint to the Information Commissioner's Office.

Section 32 only covers documents created by court staff. I requested all correspondence sent between ELFT and the court, which means much of the requested material will have been authored by ELFT staff, not court staff, and cannot therefore be lawfully withheld under Section 32.

In my submission, it should have been obvious to ELFT that it is this material, authored by ELFT staff and thus not covered by Section 32, which I primarily wished to view.

If this material is not therefore disclosed in response to this request for internal review, I will file an immediate formal complaint with the Information Commissioner's Office.

Answer:

The Trust has reviewed its previous response and partially upholds its decision not to disclose this information on the basis of Section 32 of the Freedom of Information Act.

The Trust maintains its decision not to release the information requested under Section 32 of the Act, however an incorrect aspect of the exemption was provided. Please accept our apologies for this. The Trust should have quoted section 32(1)(a) as opposed to section 32(1)(c). Please see below amended exemption.

The Trust has reviewed Question 3 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 32(1)(a) of the FOI Act states:

32 —(1) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

(a) any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter,

The information requested relates to documents, including e-mails and such correspondence, which have been filed with the Court for the purposes of proceedings in a particular cause or matter such as the case mentioned in your request. The sensitivity of such a disclosure is enhanced due to the sensitive information likely to be involved regarding such a court case. For this reason, the Trust has applied this exemption.



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Original Request FOI DA5522:

Original Request:

Question 3: Copies of all correspondence sent between ELFT and the coroner's office, regarding the inquest into the death of Mahamoud Ali, between 1 September 2023 and 30 April 2024.

Answer: The Trust has reviewed Question 3 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 32(1)(c)(i) of the FOI Act states:

32 —(1) Information held by a public authority is exempt information if it is held only by virtue of being contained in—

(c) any document created by—

(i) a court, or

(ii) a member of the administrative staff of a court,

for the purposes of proceedings in a particular cause or matter.

The information requested relates to records held by the Court for the purposes of proceedings in a particular cause or matter. For this reason, the Trust has applied this exemption.



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