



**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(INFORMATION RIGHTS)**

Appeal No: EA/2017/0031

ON APPEAL FROM:

**The Information Commissioner's Decision Notice No: FS50642904
Dated: 26 January 2017**

Appellant: Martin Adedeji

Respondent: The Information Commissioner

Heard at: Wigan County Court

Date of Hearing: 18 July 2017

Representation:

Appellant: in person

The Commissioner did not appear

**Before
HH Judge Shanks
and
Pieter de Waal and Malcolm Clarke**

Date of decision: 7 August 2017

Subject matter:

Freedom of Information Act 2000 (FOIA)

Section 1 (whether information held)

DECISION OF THE FIRST-TIER TRIBUNAL

For the reasons set out below the Tribunal dismisses the appeal.

REASONS FOR DECISION

Factual background

1. The Appellant, Mr Adedeji, is a BME male. He suffers from a number of disabling mental health issues and experiences intense fears and severe anxiety. He was a patient of the Dicconson Group Practice in Wigan from August 1987 until 6 September 2011.
2. On 3 August 2009 Mr Adedeji and his support worker attended a consultation with a GP at the Practice. He was very unhappy with the way he was treated by the GP during the consultation and in particular with her reaction when he said that he had been the victim of racial abuse. As a consequence he made a formal complaint to the Ashton Leigh and Wigan Primary Care Trust on 29 January 2010. On 16 June 2010 the GP in question wrote him a long letter of explanation and apology.
3. Mr Adedeji remains dissatisfied with the way he has been treated by the Dicconson Group Practice and with the way his complaint has been dealt with.

Request, decision notice and appeal

4. On 16 April 2016 Mr Adedeji made a request to the Practice under FOIA in the following terms:

Please inform me whether or not you hold the following information:

- 1. What are the ways a GP should respond when their patient informs them that they have been harmed as a result of being racially abused.**
- 2. What are the signs and symptoms that mean the patient might be likely to have been harmed as a result of being racially abused.**
- 3. What environment is best suited for a patient to be asked relevant questions to help them disclose their past or current experiences of racial abuse to their GP.**
- 4. What steps can the whole GP practice team (clinical and non-clinical) take to make it easier for patients to disclose that they have been a victim of racial abuse.**

If you do hold the requested information please be so kind as to send me a copy.

5. The Practice responded on 12 May 2016 by saying that they did not hold “ ... policies to cover these specific requests” but that they had discussed the issue at length. On 13 May 2016 Mr Adedeji responded by saying that he did not request a copy of policies but rather recorded information. The Practice answered on 18 May 2016 confirming that they had no information answering the request.
6. Mr Adedeji complained to the Information Commissioner under section 50 of FOIA. In a decision notice dated 26 January 2017 the Commissioner accepted on the balance of probabilities that the Practice did not hold any information answering the request and rejected Mr Adedeji’s complaint.
7. Mr Adedeji appeals to this Tribunal against the decision notice. We held a hearing at which he was able to supplement the extensive material already before the Tribunal with oral submissions. The Commissioner did not attend.

Our conclusions

8. We have seen nothing that causes us to doubt the Commissioner's conclusion that the Practice did not hold any information coming within the request.

9. We agree with the Commissioner that it was entirely reasonable, given its terms, for the Practice to interpret the request as one seeking general policies (or protocols or written guidance) and to state that they did not hold any "policies" covering the request in their initial reply. Although Mr Adedeji referred us to public policies covering, for example, how doctors should deal with victims of domestic abuse, he was not able to point to any public policy which covered victims of racial abuse or required GP practices to develop such policies. Nor was he able to persuade us that his own experience must have given rise to internal recorded information covering the matters set out in the request.

10. In the circumstances, we unanimously uphold the Commissioner's conclusion and dismiss the appeal.

HH Judge Shanks

7 August 2017