

Ref: FOI2017/3794  
Date Received: 24<sup>th</sup> February 2017  
Response Due: 24<sup>th</sup> March 2017

21<sup>st</sup> March 2017

Dear

## INFORMATION REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000

We are now pleased to respond to your request for information under the FOI Act.

You asked:

*“The number of patients who have been taken to the Royal Courts of Justice Court of Protection, to have a DNR placed upon their lives by your hospital/service. I would like to know if the patient had a Lasting Power of Attorney that was overturned by the court. From when the hospital/ service opened and/or for the last ten years, or whatever is reasonable within the FOI financial constraints.*

As far as we are aware we cannot recall an application having been made and to go back through all the archives of cases would take more than 18 hours

**Refusal Notice.** The information that you have requested is exempt under Section 12 of the Freedom of Information Act because it will take more than 18 hours to retrieve and extract the relevant information.

12. — (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

Regulation 4(3) of the Fees Regulations states that a public authority can only take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

All public authorities should calculate the time spent on the permitted activities at the flat rate of £25 per person, per hour.

This means that the appropriate limit will be exceeded if it would require more than 18 hours work for all public authorities.

I trust that this information is helpful to you, however if you are not entirely satisfied with this response please do not hesitate to contact the Information Governance Department on 01257 488271. If we do not hear from you

Chairman: Robert Armstrong

Chief Executive: Andrew Foster CBE

within 28 days we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



**Andrew Foster**  
Chief Executive

**PLEASE NOTE:**

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, WrightingtonHospital, Hall Lane, AppleyBridge, Wigan, WN6 9EP

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally the ICO cannot make a decision unless you have exhausted the complaints procedure at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF