

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 January 2024

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

Decision (including any steps ordered)

1. The Commissioner's decision is that, on the balance of probabilities, London Ambulance Service NHS Trust ('the Trust') holds no further information within scope of the request about telephone call recordings. The Trust has complied with section 1(1) and 10(1) of FOIA, and no corrective steps are necessary.

Request and response

2. The complainant made the following information request to the Trust on 29 October 2022:

"(1) Mark Easton, Director of Corporate Affairs, has recently carried out an investigation on behalf of your CEO. This is what he stated in his letter dated 18 August 2022, reference Re: [redacted]."

Provision of transcripts

"The Trust records all 999 and 111 calls as voice recordings, not in any other format."

Please provide me with the conditions under which a data subject can request and receive a copy of their telephone conversations with the call handlers at LAS emergency 999 call centre and 111 calls.

The process that they should follow and LAS policy which covers the recording of these calls, the format on which they are recorded, LAS quality controls, if any in place, and what they are, and any conditions/restrictions for disclosure in the public Domain.

(2) How long are the master tapes on which the calls are recorded kept before they are reused. Are they backed up before reuse, if so what is the retention period of these backed up tapes and on what format are they backed up.”

3. On 14 November 2022 the Trust responded. It advised the complainant that the request was very similar to several other requests they'd submitted, so where the Trust had supplied information previously it hadn't sent it again.
4. In respect of Q1 of the request, the Trust provided new information – that the recordings are held as Waveform Audio (WAV) files which are exported from the Trust's call recording software.
5. The Trust disclosed information relevant to Q2.
6. The complainant requested an internal review on 16 November 2022. They disputed that they'd previously requested the information in Q1. The complainant's internal review request also contained additional requests and queries.
7. Correspondence between the complainant and the Trust continued. On 20 March 2023, the Trust advised the complainant that it had nothing further to add and re-stated an offer to meet the complainant to resolve their concerns.
8. Correspondence between the complainant and the Trust continued further into 2023, some of which the complainant has also sent to the Commissioner.

Reasons for decision

9. The Commissioner has advised the complainant that while he understands they may have wider concerns about the Trust, the focus of this investigation must be solely on whether the Trust has complied with FOIA in respect of their request of 29 October 2022.

10. The substantive matter is therefore whether the Trust holds further recorded information within scope of Q1 of the request of 29 October 2022. The Commissioner will also consider the timeliness of the Trust's response to that request.
11. Under section 1(1) of FOIA a public authority must (a) confirm whether they hold the recorded information an applicant has requested and (b) communicate the information to the applicant if it's held and isn't exempt information.
12. Section 10(1) obliges a public authority to comply with section 1(1) promptly and within 20 working days following the date of receipt of the request.
13. Q1 of the complainant's request concerns telephone conversations with the Trust's call handlers; how a caller can request a copy of a call, the Trust policy that covers these calls, the format on which they're recorded, quality controls and any restrictions on disclosing the recordings into the public domain.
14. With its submission to the Commissioner, the Trust has provided a copy of a letter it sent to the complainant on 18 August 2022. Amongst other matters, this correspondence discusses the Trust's 999 and 111 call recordings and how transcripts of calls are provided.
15. The Trust has also provided the Commissioner with a copy of a letter it sent to the complainant on 9 November 2022. This letter addressed outstanding FOIA issues. In a previous request the complainant had requested "... the conditions under which a data subject can request a copy of their telephone conversations with the call handlers to LAS emergency 999 call centre and 111 calls." With its 9 November 2022 letter, the Trust sent the complainant copies of its relevant FOIA and data protection policies and confirmed it didn't hold any other information. Specifically it had sent a copy of its 'Policy for Access to Health Records, Disclosure of Patient Information: Protection and Use of Patient Information.'
16. The Trust has advised the Commissioner that it has supplied all the information that it can to satisfy the complainant's request. It has directly answered their questions in its response[s] about the format of the data and the retention period, and it supplied the policies which address their points about process and policy. The Trust concludes its submission by confirming that it holds no other relevant information.

17. The Commissioner has reviewed the Trust's submission and supporting material, and the material the complainant has provided. He's satisfied that, through its response to this request and earlier requests, the Trust has addressed all the parts of Q1 of the complainant's request and, on the balance of probabilities, holds no further relevant information. The Commissioner's decision is therefore that the Trust has complied with section 1(1) of FOIA.
18. In respect of timeliness, the complainant submitted their request on 29 October 2022 and the Trust responded to it on 14 November 2022. The Trust communicated the additional information that had been requested; it had already communicated the remaining information it held in response to previous requests. There was therefore no breach of section 10(1) of FOIA.

Other matters

19. The Trust has provided the Commissioner with a brief background and context to the request in this case. Amongst other factors, it's noted that the complainant has been submitting similar, related and duplicate subject access and FOIA requests to the Trust since 2019. At this point the Trust's view is that the purpose of the requests is to annoy and cause disruption. In respect of FOIA requests, it considers that further such requests from the complainant could be categorised as vexatious under section 14(1).
20. On the basis of the background provided, and the copies of their wider correspondence with the Trust that the complainant has sent to him, the Commissioner considers that such an approach by the Trust would be reasonable. He advises the complainant to take account of that before they submit any further FOIA requests to the Trust.

Right of appeal

21. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may 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

22. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
23. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

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