

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 December 2024

Public Authority: Nursing & Midwifery Council (NMC)

Address: 23 Portland Place, London, W1B 1PZ

Decision (including any steps ordered)

1. The complainant has requested NMC to disclose the nurse's PINs for two named individuals. NMC initially applied section 40(2) of FOIA. However, during the Commissioner's investigation NMC withdrew its reliance on this exemption, confirmed that it only holds the historic General Nursing Council (GNC) registration number for one of the named individuals and advised that it was willing to disclose this to the complainant.
2. The Commissioner's decision is that on the balance of probabilities NMC only holds the GNC registration number for the named individual and does not hold any further recorded information falling within the scope of the request.
3. The Commissioner requires NMC to take the following steps to ensure compliance with the legislation.
 - Disclose the GNC Registration Number for the nurse it has traced.
4. NMC must take these steps within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 9 April 2024, the complainant wrote to NMC and requested information in the following terms:

"1. "Proceeding upon the basis that the above 4 names are recorded on the website accessible register and mindful of the distinction you draw between disclosure to the public at large and disclosure to individuals (which I assume to be registered nurses) or employers, of which [name redacted] is neither, please may I request the respective PINS for those 4 names or where my client might access those PINS?

2. In the event that the website accessible register does not include the above 4 names what form of register does the NMC maintain for nurses registered pre-2008?."

The four names relate to two individuals.

6. NMC responded 8 May 2024. In relation to question one, NMC applied section 40(2) of FOIA. Concerning question two, NMC confirmed that it does not maintain a separate register for nurses registered pre-2008. NMC confirmed that all registrants will be on the NMC Register of Nurses if their registration is active and up to date.
7. The complainant requested an internal review on 11 June 2024. They disputed the application of section 40(2) of FOIA and stated that the information should be disclosed.
8. NMC completed its internal review on 26 June 2024 and notified the complainant of its findings. It upheld its application of section 40(2) of FOIA.

Scope of the case

9. The complainant contacted the Commissioner on 1 July 2024 to complain about the way their request for information had been handled. They complained about NMC's handling of question one but raised no concerns over its handling of question two.
10. The Commissioner's investigation has therefore focussed on NMC's handling of question one of the request.
11. During the Commissioner's investigation, NMC withdrew its application of section 40(2) of FOIA. It confirmed that it does not hold the current style PIN for either individual named in the request but it does hold the old GNC registration number for one of them and it is willing to disclose that to the complainant.
12. The Commissioner considers the GNC registration number to fall within the scope of the request. While the two systems are not identical, both numbers are taken to indicate that a particular nurse is (or was in this

case) appropriately qualified, registered with the regulator and subject to the conditions of registration.

13. The Commissioner considers the scope of his investigation is to establish whether or not NMC holds any further recorded information falling within the scope of the request.

Reasons for decision

14. In cases where a dispute arises over whether recorded information is held by a public authority, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority holds the requested information and did at the time the request was received.
15. NMC has confirmed that it can only locate information relating to one of the named individuals in the request and what it can find is only held in its historical registration books.
16. The details it has located includes the historic equivalent of the nurse's PIN for that individual. During the time in question, this would have been the GNC registration number, which is now redundant and replaced by a PIN number. It stated that nurse's PIN numbers as it knows them now, were introduced in the 1980s. It therefore does not hold an NMC PIN number for the nurses named in the request but it does hold the GNC Registration number for one of the named individuals, which it is happy to disclose.
17. NMC stated that it has noticed that this number was not visible on the PDF attachment it sent to the complainant on 15 October 2024 (in relation to a separate, but related request). It commented that it appears the registration book creased downwards during scanning, obscuring this information on the PDF copy it provided. NMC confirmed that it would obtain the old registration books from offsite storage again and provide a new scan of the relevant record, which will then show the GNC registration number of this nurse.
18. With regards to the other nurse named in the request, it confirmed that it does not hold the requested information. It followed the exact same procedure as it followed for the nurse whose GNC registration number it has been able to locate, but unfortunately it was not successful. Its archive officer searched the same historic books but was unable to find any matches to the name variations specified in the request. NMC advised that had it found any relevant information, it would have been happy to have provided it to the complainant.

19. NMC stated that while it appreciates the information contained within the paper register is limited, it was not responsible for the content. The paper register was inherited by a predecessor of nursing regulation, the GNC.
20. The Commissioner is satisfied that on the balance of probabilities NMC has now carried out adequate searches of all records, whether electronic or paper, and established that it does not hold nurse's PINs for either of the two individuals named in the request.
21. It is however noted that NMC holds the old style GNC Registration Number for one of the named nurses in its paper register held off site. NMC is prepared to disclose this information to the complainant once it is obtained from its offsite storage facility.

Right of appeal

22. 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

23. 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.
24. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Samantha Coward
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