

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 February 2019

Public Authority: Public Health Agency

Address: Karen.Braithwaite@hscni.net

Decision (including any steps ordered)

1. The complainant has requested information from the Public Health Agency (PHA) in relation to health services and funding. The PHA disclosed some information and stated that it does not hold the remainder, in respect of which it has referred the complainant to another public authority.
2. The Commissioner's decision is that the PHA does not hold any further information within the scope of the complainant's request other than that which it has already disclosed to her. Therefore the Commissioner requires no steps to be taken.

Request and response

3. The complainant on 24 January 2018 made the following request for information to the PHA:-

Please outline the following information;

- 1) The total annual budget of the 'protect life' (or PL2) strategy for the years 2016- 2017 and 2017-2018 and a breakdown of where the money went to, specifically, and how much to each recipient group.
- 2) Who (job titles) and how many people decide where this money goes to. How is it decided on and on what merit?

- 3) How is equality assured around a) service user groups and b) locations in NI?
 - 4) Please clarify if Borderline Personality Disorder sufferers (10% suicide rate) and Prisoners (above average suicide rate) are both included or excluded from the current strategy?
 - 5) How much consultation (please give total number of consultations) has gone on to date with a) those bereaved by suicide and b) suicide survivors to inform spending on the Protect life strategy (one and two)
 - 6) Finally, the statistics which are used in NI by the PHA re suicide ("73% of suicides NOT known to health services, over 10 years")....by 'health services' do you refer to psychological therapies/psychiatrist/psychologists only, or do you include all those treated by their GPs with anti-depressants also? Please note in other studies, the most commonly used service was the GP and of 1,600 suicides 57% were known to have a MH disorder.
4. The PHA provided a response to the complainant on 21 February 2018, disclosing information in relation to parts 1, 2 and 3 of the complainant's request (except for citing section 43(2) of FOIA as a basis for non-disclosure in respect of a small part of this) and stating that it does not hold information in relation to parts 4, 5 and 6 of the complainant's request. It directed the complainant to the Department of Health for that information.
 5. The complainant, not being satisfied with the PHA's response, requested an internal review on 28 February 2018. The PHA provided a response to that request on 1 May 2018 in which the reviewer upheld the original decision in relation to parts 4, 5 and 6 and again directed the complainant to the Department of Health. It also provided the complainant with some information it had collated in relation to the part of Question 1 that it had originally stated could not be disclosed under section 43(2) of the FOIA, and some further information within the scope of part 5 that would not have been available at the time of the original request.

Scope of the case

6. The complainant contacted the Commissioner on 24 April 2018 to complain about the way her request for information had been handled.
7. The Commissioner has carefully considered the PHA's handling of the complainant's request.

Reasons for decision

8. Section 1(1) of the FOIA states that:

"Any person making a request for information to a public authority is entitled-

(a) To be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

9. In scenarios where there is some dispute between the public authority and a complainant as to whether the information requested is held by the public authority, the Commissioner, following the lead of a number of Information Tribunal decisions, applies the civil standard of proof, which is the balance of probabilities. In other words, in order to determine such complaints, the Commissioner must decide whether on the balance of probabilities a public authority holds any information which falls within the scope of the request (or was held at the time of the request).
10. The Commissioner wrote to the PHA for its explanation of the efforts made by it to locate further information falling within the scope of the complainant's request. The Commissioner's questions were focused on the PHA's searches conducted in relation to the complainant's request, and whether any of the information falling within the scope of the requests was held at one time but either deleted or destroyed.
11. The PHA has informed the Commissioner that it holds and maintains an internal contract management system. This system is accessed and utilised by the PHA's Operations division and the Health Improvement division. This system (PEMs) holds information on current contracts and their yearly financial investment levels. Information from this system was used to provide the complainant with a response to Question 1 in her initial request, and subsequently to provide additional financial information following the PHA's internal review.

12. The PHA has further informed the Commissioner that records are electronically held on its internal shared drive, with restricted staff access and is protected within the PHA's IT security system. The PHA is required to hold detailed information on all contracted services. This information is held electronically on the PEMS system and is required for contracting and auditing purposes. These services and investments are subject to both an internal audit and external audit on an annual basis. The NI Audit office and Department of Health requires PHA to monitor investments on an ongoing basis to ensure Key Performance Indicators are met and services are delivered as agreed.
13. The PHA has provided the complainant with an initial detailed response to her original request and subsequently supplied two additional pieces of information to the complainant, following internal review. These included an update on the public engagement exercise on Protect Life, which was not requested but was provided in the spirit of openness and transparency and by way of an update to an interested party. The second piece of information provided was not previously withheld in the PHA's initial response. Instead, it was created specifically for the complainant in an effort to support the information request. This was undertaken by the PHA by way of providing advice and assistance to the complainant. In the original Freedom of Information response the PHA also contacted the Department of Health directly, prior to referring the complainant to them for additional information not held by the PHA, to ensure that this information was available.
14. Whilst the Commissioner recognises that the complainant does not consider that the PHA has fulfilled the request, the PHA has provided a clear explanation of the searches that underlay its response. No evidence is available to the Commissioner which would indicate that the PHA's searches were insufficient, or that it holds recorded information falling within the scope of the requests. The PHA has also provided the complainant with considerable advice and assistance.
15. In light of the above, the Commissioner is, on the balance of probabilities, satisfied that the PHA identified all information it holds that falls within the scope of the complainant's request. The Commissioner's decision is, therefore, that the PHA has complied with section 1 of the FOIA.

Right of appeal

16. 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: 0300 1234504
Fax: 0870 739 5836
Email: GRC@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

17. 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.
18. 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

Deirdre Collins

Senior Case Officer

Information Commissioner's Office

Wycliffe House

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Wilmslow

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