

## Freedom of Information Act 2000 (Section 50)

### Decision Notice

Date 7 September 2006

**Public Authority:** North Hertfordshire and Stevenage Primary Care Trust

**Address:** Solutions House  
Dunhams Lane  
Letchworth Garden City  
SG6 1BE

### Summary Decision

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The complainant requested from the eight Primary Care Trusts within Hertfordshire, information regarding payments made to an operator of residential homes within Hertfordshire for the years 1998/99 to 2003. The North Hertfordshire and Stevenage Primary Care Trust responded to this request on behalf of itself and the other seven trusts. The public authority was able to supply details of payments for some of the years in question but was unable to supply details of payments made for the years prior to 2001 because it said that it did not hold the information. The public authority explained that Primary Care Trusts were established in 2001 and that financial information from before 2001 had inadvertently been disposed of as part of the preparation for the establishment of the Primary Care Trusts within Hertfordshire. The Commissioner is satisfied that the public authority has supplied all of the information that it holds and has decided that it dealt with the complainant's request in accordance with the section 1 of the Act. However the public authority failed to respond to the request within 20 working days and did not provide the complainant with details of an internal review procedure.

### The Commissioner's Role

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1. The Commissioner's role is to decide whether a request for information made to a public authority has been dealt with in accordance with the requirements of Part 1 of the Freedom of Information Act 2000 ('the Act'). This Notice sets out his decision.

### The Request

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2. On 17 September 2005 the complainant wrote to each of the eight Primary Care Trusts in Hertfordshire to request:

“that I be informed of the value of all payments made by the Herts & Beds District Health Authorities between April 1<sup>st</sup> 1998 and March 31<sup>st</sup> 2003 to Quantum Care, either direct or via Herts County Council.”

3. The complainant had previously written to the Bedfordshire and Hertfordshire Strategic Health Authority to request the same information. However he was informed that it did not hold this information and that he would have to direct his request to each of the Primary Care Trusts.
4. The public authority received the request on 20 September and on 20 October the public authority responded to the request on behalf of all the primary care Trusts within Hertfordshire. The public authority was able to provide the complainant with details of all payments made to Quantum Care by Primary Care Trusts within Hertfordshire since 2001. The public authority explained that prior to Primary Care Trusts being established in 2001 the NHS was configured at Health Authority level and that expenditure was reported within Health Authorities' finances. The public authority explained that the financial information for Health Authorities prior to Primary Care Trusts being established no longer existed. The public authority also provided further explanation of a current scheme where local government and the NHS cooperate to integrate social care and health care and contribute to a pooled funding arrangement. The public authority explained that Hertfordshire County Council maintained the financial records for this arrangement and directed the complainant to contact the County council if he required further details.
5. In its response, the public authority did not provide the complainant with details of an internal review procedure for him to follow if he was not happy with the public authority's response.

## The Investigation

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### Scope of the case

6. On 11 November 2005 the complainant contacted the Commissioner to complain about the response he had received to his request for information. The Commissioner chose to exercise his discretion and consider the complaint even though it had not been through an internal review. The complainant specifically asked the Commissioner to consider the following points:
  - that the public authority had not disclosed all details of payments made by health authorities within Hertfordshire and Bedfordshire.
7. The Commissioner also considered the following points:
  - that the public authority did not respond to the request within 20 working days
  - that the public authority failed to either provide the complainant with details of a procedure for dealing with complaints about the handling of requests or state that it does not provide such a procedure

## Chronology of the case

8. On 20 April 2006 the Commissioner wrote to the public authority asking for further information on the records management system in place for Primary Care Trusts within Hertfordshire. In particular the Commissioner asked the public authority to explain what types of information were transferred to the individual Primary Care Trusts upon the dissolution of the District Health Authorities in 2001 and what types of information were transferred to other bodies. The Commissioner also drew the public authority's attention to its earlier statement that "the financial information for Health Authorities prior to the PCT's being established in 2001 is no longer available". The Commissioner asked the public authority to confirm whether or not this was true and if it was indeed the case that the financial information was no longer available to provide further details as to when this information was destroyed and the public authority's policy on records retention.
9. The public authority replied to the Commissioner's questions on 25 May 2006.

## Findings of fact

10. The public authority confirmed that there was no formal documented transfer of files, records or information between organisations as a result of the structural changes. The public authority confirmed that there was no transferral of records as the structural changes occurred and that the financial services remained in the same office location.
11. The public authority further explained that the 8 PCT's all subscribe to the Department of Health guidelines and accepted financial practice to retain key financial information for up to six years. The public authority confirmed that all financial information for Primary Care Trusts, is available from 1 April 2001 as is information for Hertfordshire Health Authority for 2001/02 and Bedfordshire and Hertfordshire Strategic health Authority from 2002/03. The public authority confirmed that where details of payments to Quantum Care existed within these records, they were provided to the complainant.
12. It is clear that the public authority was unable to provide the complainant with all of the information he requested because it could not provide financial records for the years 1998-2001. For the period 1998-2001 the relevant NHS bodies in place were the West Hertfordshire and East and North Hertfordshire Health Authorities.
13. The public authority has now stated that the West Hertfordshire and East and North Hertfordshire Health Authorities processed their financial transactions via the 'Agresso financial system' on two separate computer servers and that the system then operating was not 'year 2000' compliant and had to be upgraded. The public authority has also stated that the formation of a single health authority

and eight PCT's meant that faster servers were required and therefore the two existing servers were decommissioned but retained within the facilities of the Informatics Department. The public authority has now stated that the facilities where the servers were held were refurbished during 2003 and during the process of refurbishing were inadvertently disposed of.

## Analysis

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14. The Commissioner has considered the public authority's response to the complainant's request for information.

### Procedural matters

15. Section (1)(1) of the Act 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.
16. The Commissioner accepts that, without any evidence to the contrary, details of payments to Quantum Care do not exist prior to 2001/2002. The Commissioner accepts that this is information that was inadvertently disposed of. The commissioner also recognises the willingness of the public authority to provide details of payments made to Quantum Care for the years 2001/2002 and 2002/2003 and therefore has no reason to suspect that the public authority is withholding additional information. The Commissioner recognises that guidelines suggest that financial information should be retained for up to six years but accepts that the outstanding information was disposed of inadvertently and therefore has not considered this in his decision.

17. Section 10(1) of the Act provides that:

“... a public authority must respond to a request promptly and in any event not later than the twentieth working following the date of the receipt.”

18. By responding to the request on 20 October the public authority exceeded the 20 working day limit provided for in the Act.

19. Section 17(7) of the Act states that:

A notice under subsection (1), (3) or (5) must –

- (a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure

20. The public authority failed to either, provide the complainant with details of its procedure for dealing with complaints about the handling of requests for information or state that it has does not provide such a procedure.

### **The Decision**

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21. The Commissioner's decision is that the public authority dealt with the request for information in accordance with section 1 of the Act but by taking more than 20 working days to respond to the request breached section 10 of the Act. By failing to offer the complainant an internal review, or state that it had no such procedure in place, the public authority breached section 17(7)(a).

### **Steps Required**

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22. The Commissioner requires no steps to be taken.

### **Right of Appeal**

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23. Either party has the right to appeal against this Decision Notice to the Information Tribunal. Information about the appeals process may be obtained from:

Information Tribunal  
Arnhem House Support Centre  
PO Box 6987  
Leicester  
LE1 6ZX

Tel: 0845 600 0877  
Fax: 0116 249 4253  
Email: [informationtribunal@dca.gsi.gov.uk](mailto:informationtribunal@dca.gsi.gov.uk)

Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Decision Notice is served.

**Dated the 7th day of September 2006**

**Signed** .....

**Graham Smith**  
**Deputy Commissioner**

**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**