

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 4 September 2012

**Public Authority:** Plymouth Teaching Primary Care Trust  
**Address:** Building One, Derriford Business Park  
Brest Road  
Plymouth, PL6 5QZ

### Decision (including any steps ordered)

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1. The complainant has requested information relating to the provision of augmentative and alternative communication devices by the Plymouth Teaching Primary Care Trust (the 'PCT').
2. The Commissioner's decision is that, on the balance of probabilities, no recorded information is held by the PCT.
3. The Commissioner requires no further steps to be taken.

### Request and response

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4. On 11 November 2011, the complainant wrote to the PCT and requested information in the following terms:
  - The provision of augmentative and alternative communication devices by the NHS.
  - Details of augmentative and alternative communication devices supplied/purchased by the PCT between 31 March 2006 and 1 April 2011.
  - The information broken down by both product name for example Dynavox Xpress, iPod touch with TapToTalk, BigMack and by year.
  - Information for both children and adults but I don't require a breakdown by age.
5. The PCT responded on 6 December 2011. It stated that it did not hold the requested information.
6. The complainant requested an internal review on 16 May 2012. The PCT declined to carry out an internal review on the basis that it had advised that it did not hold the information and had provided

assistance to the complainant as to where the information may be obtained.

## Scope of the case

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7. The complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant considers that the PCT should be able to obtain the information as up until 1 October 2011 the PCT was a commissioner and provider of direct patient care.
8. The Commissioner considers the scope of this request to be to determine if the PCT holds this information.

## Reasons for decision

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9. Section 1(1) of 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
10. The standard of proof that the Commissioner has applied in determining whether the PCT does hold information relevant to the complainant's request is the civil standard of the balance of probabilities. In deciding where the balance lies, the Commissioner will consider the scope, quality, thoroughness and results of the searches carried out by the PCT as well as the reasons offered by the PCT to explain why the information is not held.
11. Where the PCT has correctly stated that it does not hold information falling within the scope of a request, the Commissioner will conclude that the authority has complied with the requirement of section 1(1)(a).
12. The PCT has advised that it does not hold any information relating to the provision of augmentative and alternative communication devices by the PCT. It has however, advised the complainant of

where the information may be obtained, although that organisation is not a public authority and therefore not subject to the FOIA.

13. When questioned further on how the PCT had endeavoured to locate the information requested it provided the following responses.
14. The PCT carried out an extensive search and did not hold the information in any records where it would procedurally be expected to be located. The PCT made all reasonable searches for information through appropriate and approved channels. It cannot search other organisations' records or expect a private organisation's staff to manually check to see if there have been any purchases outside of standard procedural arrangements.
15. The PCT advised the Commissioner that 'augmentative and alternative communication devices' are not search terms it could use to locate purchase information as it required specific product names. The PCT therefore used the equipment named in the complainant's request as the search terms.
16. It further explained that the PCT purchases equipment through EPROC (an electronic procurement system) as per its policy and procedure. In support of that procedure, requests to purchase this type of equipment would be arranged either by the Plymouth Information, Communication and Technology (PICTS) or by Plymouth Procurement and Logistics Department (PLD) on the PCT's behalf.
17. Any information held by PICTS or PLD would be considered to be the information of the PCT. Consequently PICTS and PLD were both asked to search for the information requested. Neither organisation could locate any information linked to the PCT.
18. The PCT believes that if the information were held it would be held as an electronic record. It explained that purchases are recorded on a database and invoices are not searchable as they are held by the supplier's name and not the product name or type of equipment as requested.
19. The Commissioner notes that it can be difficult for a public authority to "prove" that it does not hold any information on a particular subject. Having reviewed the evidence, the Commissioner is satisfied that the PCT did conduct a thorough and extensive search for relevant information.

20. The Commissioner is satisfied that, on the balance of probabilities, no information is held in relation to the provision of augmentative and alternative communication devices by the PCT. Therefore the PCT complied with section 1(1)(a) in advising that it did not hold the information.

## Right of appeal

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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: 0300 1234504

Fax: 0116 249 4253

Email: [informationtribunal@hmcts.gsi.gov.uk](mailto:informationtribunal@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm](http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm)

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** .....

**Pamela Clements**  
**Group Manager, Complaints Resolution**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**