

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 December 2022

Public Authority: Belfast Health and Social Care Trust

Address: Trust Headquarters
Non Clinical Support Building
Royal Victoria Hospital
274 Grosvenor Road
Belfast
BT12 6BA

Decision (including any steps ordered)

1. The complainant requested information from Belfast Health and Social Care Trust ("the Trust) about projects they organise for the Irish traveller community and how many travellers have attended those projects since 2019. The Trust provided information about the projects it commissioned under contract but explained that it did not hold the requested information about the numbers in attendance.
2. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold the requested information about attendance numbers.
3. The Commissioner does not require the Trust to take any steps as a result of this decision notice.

Request and response

4. On 7 June 2022, the complainant wrote to the Trust and requested information in the following terms:

"I have amended my request from 19 questions to two questions, i have prioritised the information I have asked for under the freedom of information act.

1. What projects does your organization provide for the Irish traveller community?

2. how many Irish travellers attend those projects, From 2019 onwards.

I look forward to hearing from you in the near future."

5. The Trust responded on 30 June 2022. It stated that "All Trust services are accessible to Irish Traveller community" and that "The Trust currently commissions 4 projects specifically for the Irish Traveller community" and listed the names of the four projects. The Trust further advised that "We contract projects to deliver sessions and monitoring contracts on a sessional basis, and therefore individual attendances are not recorded by BHSCT" and therefore it did not hold the requested information about attendance.
6. On 15 July 2022, the complainant asked the Trust to review their response as follows: "... but the workers are employed by your organization, surely your organization monitors the projects it funds, so again let me reword this. Can you please provide me with How many Irish travellers attend the Heart Project Belfast, From 2019 onwards".
7. The Trust provided the complainant with the outcome of the internal review on 19 July 2022. It stated that it upheld its original position, confirming that the requested information about attendance is not held. The Trust explained that:

"Belfast Trust does not employ the workers who deliver the Traveller Project in Heart Healthy Living Centre. They are employed directly by HEART Healthy Living Centre.

The Trust commissions a service for Irish Traveller Communities from HEART.

The Trust commission HEART to deliver the project on a sessional basis and the contract is monitored in relation to the number of sessions delivered. Some qualitative information is received each quarter which includes information on the number of attendances. However, the Trust has no way of extrapolating whether these are new attendances each quarter or returning attendees. Information on the number of individual Irish Travellers attending the HEART project would need to be requested from HEART Healthy Living Centre."

Scope of the case

8. The complainant contacted the Commissioner on 2 August 2022, to complain about the way their request for information had been handled.
9. The Commissioner considers the scope of the investigation is to determine if, on the balance of probabilities, the Trust holds the requested information about attendance and whether it has complied with section 1(1) of FOIA.

Reasons for decision

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled, under subsection (a), to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. The Commissioner has sought to determine whether, on the balance of probabilities, the Trust holds the requested information.
12. From the information provided, the Commissioner can see that the Trust has interpreted the request as being a request for one total attendance figure for the whole period specified rather than a request for a breakdown of attendance per session organised. Accordingly, the Trust explained that it does not hold such information as, although it does have some information about the numbers that attended each of the sessions provided by Heart, it has no way of knowing whether they were repeat or new attendances and therefore the overall total number in attendance over the period is unknown.
13. On the balance of probabilities, the Commissioner is satisfied that the requested information, as interpreted by the Trust, is not held by the Trust and, therefore, it cannot be provided.
14. The Trust has complied with its obligations under section 1(1) of FOIA in this case.
15. The Trust has advised that the complainant also requested the attendance information direct from HEART Healthy Living Centre, who have now provided the complainant with the information relating to that particular project.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF