

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 May 2013

Public Authority: Nursing and Midwifery Council

Address: 23 Portland Place
London
W1B 1PZ

Decision (including any steps ordered)

1. The complainant has requested information about what information about themselves a nurse is obliged to provide upon request. The Nursing and Midwifery Council (NMC) said that it did not hold the information requested under section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).
2. The Commissioner's decision is that the NMC correctly stated that no information was held relevant to the scope of the request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 31 December 2012, the complainant wrote to the NMC and requested information in the following terms:

"Could you please tell me what personal data (e.g. full name and NMC registration number) a nurse is required to disclose upon request to a person they are carrying out a medical examination or assessment on? I ask as I do not see how a person can provide informed consent unless they know the name and qualifications of the person examining/assessing them.

To clarify my request, if a nurse is carrying out a medical examination or assessment on an individual and that person asks the nurse to tell them their name and NMC registration number is the nurse required as part of their registration with the NMC to disclose the information to the person? I know that the GMC

requires doctors to disclose such data when asked.

If the nurse is required to disclose data upon request to the person they are carrying out the medical assessment or examination on is there any data other than name and NMC registration number that they are required to disclose."

5. On 7 January 2013 the NMC responded. It explained that:

"Your enquiry does not meet the criteria for a freedom of information request, which is for recorded information, as you are asking for advice.

The NMC does not place a requirement on what a nurse is required to disclose to a patient in the circumstances you have described but there should be no impediment to a patient or service user being given such information."

6. The complainant requested an internal review on 7 January 2013. The NMC sent the outcome of its internal review on 22 January 2013. It explained that it did not consider that the complainant had made a request for recorded information. It said that it considered that the complainant was asking for advice. However it did go on to explain that the NMC sets out the standards and behaviours expected of a nurse or midwife in "The code: Standards of conduct, performance and ethics for nurses and midwives". It said that paragraphs 13-17 are about consent. It confirmed that neither the code nor any other standards or guidance document specifies what a nurse or midwife is required to disclose about themselves to a patient.

Scope of the case

7. The complainant contacted the Commissioner on 28 January 2013 to complain about the way her request for information had been handled.
8. The Commissioner does consider that the complainant's request was a valid request under FOIA. Whilst the NMC did not consider it was, at internal review it did confirm that neither its code of conduct nor any other guidance document contains the information requested. The Commissioner has therefore considered whether or not the NMC holds any information relevant to the scope of the request.

Reasons for decision

9. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request". In this case the NMC has stated that it does not hold the requested information.
10. The NMC explained that there are a limited number of documents where the requested information would be likely to be contained. It said that if the information was held it would be included in the standards and guidance documents provided to the professions. In particular, it said "The code: Standards of conduct, performance and ethics for nurses and midwives", is the key document setting out what is expected of a nurse or a midwife. It explained that current and previous versions of this document were consulted but it does not contain the information requested. Furthermore it said that the Assistant Director for Education was consulted as to whether this information was held. The NMC confirmed that its guidance does not specify what information a nurse or midwife is expected to disclose about themselves to a patient. It confirmed that there is therefore no information held relevant to the scope of the request.
11. Based upon the submissions provided by the NMC the Commissioner accepts, that on the balance of probabilities, no information is held relevant to the scope of the request.

Right of appeal

12. 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

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. 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.
14. 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
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