

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 28 July 2015

**Public Authority:** Solent NHS Trust

**Address:** Adelaide Health Centre  
Western Community Hospital Campus  
Southampton  
S016 4XE

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about cognitive behavioural therapist's training and for information about the training of a specific doctor. Solent NHS Trust (the Trust) said that it did not hold the information requested by the complainant under section 1(1)(a) FOIA.
2. The Commissioner considers that the Trust was correct to confirm that it did not hold the requested information under section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires no steps to be taken.

#### **Request and response**

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4. On 23 September 2014 the complainant requested information about a cognitive behavioural therapist's training and for information about the training of a specific named doctor. The Commissioner has not been provided with a copy of the original request, however the Trust has confirmed that this is the information the complainant requested.
5. On 13 October 2015 the Trust asked the complainant for clarification in relation to what staffing group and service area she required the information for.
6. The complainant provided some form of clarification to the Trust as on 27 February 2015 it wrote to her to confirm that it did not hold the

information requested. It did however explain that the information may be held by the University of Southampton.

7. The complainant requested an internal review on 6 March 2015. The Trust sent the outcome of its internal review on 18 March 2015. It upheld its original position but also said that the complainant's query as to whether the named doctor had undertaken yearly CPD training was being withheld under section 40(2) FOIA as this is his personal data.
8. During the course of the Commissioner's investigation the Trust reviewed its response and explained that actually the information about the named doctor to which it had applied section 40(2) FOIA was not held.

### **Scope of the case**

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9. The complainant contacted the Commissioner on 26 May 2015 to complain about the way his request for information had been handled.
10. The Commissioner has considered whether the Trust was correct to confirm that it does not hold any information relevant to the scope of the request under section 1(1)(a) FOIA.

### **Reasons for decision**

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11. 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".
12. The Trust said in relation to the part of the request as to whether a named doctor had received yearly CPD training, it explained that the individual's line manager advised that it is not mandatory for the Trust to keep a central record of the individual's CPD training and in this instance the Trust does not hold a record of this information. Further the named doctor is no longer employed by the Trust and was not employed by the Trust at the time the request was made.
13. In relation to the part of the request for information about the training of cognitive behaviour therapists and the notes used by the trainers to provide this training for the doctors, the Trust explained that the University of Southampton facilitates this training. It said that the Trust

does not therefore hold this information, but the complainant could direct this request to the University of Southampton.

14. The Commissioner considers that on the balance of probabilities, the requested information is not held by the Trust.

## Right of appeal

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15. 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: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**