

Decision D0362000

Re "E" and Graylands Selby-Lemnos & Special Care Health Services

Date of Decision: 10 July 2000

Freedom of Information Act 1992; section 26

The complainant sought access under the FOI Act to documents described as being notes relating to her made in 1965 and 1966 by a treating doctor at the agency. However, the agency refused access under s.26 of the FOI Act on the ground that the requested documents either cannot be found or do not exist.

The Information Commissioner made inquiries and was satisfied that the requested documents existed at some point. Specifically, there is material in the agency's filing system that indicates relevant records dating back to 1982/83 were stored on microfiche. However, the searches conducted by the agency failed to locate the records requested by the complainant. Searches of the agency's computerised database were made, and the records systems of other health agencies likely to hold records relating to the complainant were also searched.

Based on the information before her, the Information Commissioner was satisfied that the agency had taken all reasonable steps to find the requested documents. In the circumstances, the Information Commissioner was satisfied that the agency dealt with the complainant's access application according to the requirements of the FOI Act and the Commissioner did not require the agency to conduct any further searches.

The Information Commissioner confirmed the decision of the agency to refuse access under s.26 of the FOI Act on the ground that all reasonable steps had been taken to find the documents and the documents either do not exist or cannot be found.