

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 28 January 2023

Public Authority: **West Midlands Ambulance Service University
NHS Foundation Trust
Waterfront Business Park
Brierley Hill
DY5 1LX**

Decision (including any steps ordered)

1. West Midlands Ambulance Service University NHS Foundation Trust ('WMAS') has correctly applied section 43(2) of FOIA to requested information about spending on paramedic training as disclosure would be likely to prejudice its commercial interests. It is not necessary for WMAS to take any steps.

Request and response

2. On 31 August 2022, and as part of a wider request, the complainant wrote to WMAS and requested the following information:

"...3. Healthcare Education England receive a breakdown of education spending from NHS organisations. Currently students on the student paramedic programme provided by West Midlands Ambulance Service University NHS Foundation Trust have £300 per month deducted from their wages, can you provide an itemised breakdown of each element that this goes towards?"
3. WMAS refused to provide the information, relying on section 43(2) of FOIA in order to do so – a position it upheld at internal review.

Reasons for decision

4. In their complaint to the Commissioner, the complainant has said that information requests were also sent to Health Education England, the organisation responsible for providing funding to WMAS for education. They say that the information Health Education England provided contradicts WMAS' response [to the complainant's wider request]. The complainant says they asked WMAS to confirm the information it had provided but it did not.
5. FOIA does not concern the accuracy or otherwise of information that a public authority holds and discloses. The Commissioner suggests the complainant pursue the above matter with WMAS. The reasoning in this notice focusses on WMAS' application of section 43(2) of FOIA to information it is withholding.
6. Section 43(2) of FOIA states that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person, including the public authority holding it.
7. WMAS has explained that disclosing the information they have requested would be likely to prejudice its own commercial interests.
8. WMAS has explained in its submission to the Commissioner why its commercial interests could be prejudiced if it were to provide an itemised breakdown of the £300 deducted from the students on the student paramedic programme. Because this explanation itself potentially reveals commercial information about WMAS, the Commissioner does not intend to detail it in this notice.
9. The Commissioner is satisfied first, that the harm WMAS envisages relates to commercial interests; its own. Second, the Commissioner accepts that a causal link exists between disclosure and commercial prejudice; that which WMAS has explained to the Commissioner. Finally, the Commissioner accepts what appears to be WMAS' position; that the envisioned prejudice would be likely to happen, rather than would happen. The Commissioner's decision is therefore that WMAS is entitled to apply section 43(2) to the withheld information and he will go on to consider the associated public interest test.
10. The complainant says that as a public authority that receives tax payers' money and deductions from employees' wages for education and training, WMAS has a duty to be transparent about the money it receives and how it spends it.

11. WMAS argues that there is a strong public interest argument in maintaining the exemption. This relates to how tax payers' money is spent and again, the Commissioner does not intend to go into more detail about that in this notice. WMAS says it was unclear during its consideration of the request what benefit a detailed breakdown of the £300 monthly deduction would have for the complainant or the public at large.
12. On balance, the Commissioner agrees that, while of interest to the complainant, a breakdown of the £300 figure for paramedic training has little wider public interest. WMAS has addressed other parts of the complainant's request about this training which the Commissioner considers addresses the general public interest in transparency. The Commissioner considers that there is greater public interest in protecting WMAS' commercial interests and using tax payer funding as efficiently as possible. On balance therefore, the Commissioner finds that the public interest favours maintaining the section 43 exemption in this case.

Right of appeal

13. 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

14. 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.
15. 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

Cressida Woodall
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF