

Decision 048/2005 – Mr Keith Bell and NHS 24

Request for geographical telephone numbers for NHS 24

Applicant: Mr Keith Bell

Authority: NHS 24

Case No: 200502228

Decision Date: 21 November 2005

**Kevin Dunion
Scottish Information Commissioner**

Kinburn Castle
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Request for geographical telephone numbers for NHS 24 – withheld on the basis of section 39(1) of the Freedom of Information (Scotland) Act 2002 – information is exempt information if its disclosure would, or would be likely to, endanger the physical or mental health or the safety of an individual – decision upheld by Commissioner.

Facts

Mr Bell submitted an information request to NHS 24 for various pieces of information on 16 March 2005. Information was provided to Mr Bell apart from details of the geographical telephone numbers that are equivalent to the 0845 number used to access NHS 24.

Outcome

The Commissioner found that NHS 24 had complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in withholding information from Mr Bell.

Appeal

Should either Mr Bell or NHS 24 wish to appeal against this decision, there is an appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days of receipt of this notice.



Background

1. On 16 March 2005, Mr Bell submitted a request for information to NHS 24. The information request asked eight separate questions about NHS 24's use of 0845 numbers, including what is the equivalent geographical number of the 0845 number (i.e. the full telephone number containing the area code).
2. NHS 24 replied to all eight of Mr Bell's questions on 12 April 2005. However, it only partially released the geographical numbers to Mr Bell in that it released only the area codes rather than the full numbers.
3. Mr Bell was dissatisfied with the response from NHS 24 and emailed NHS 24 on 12 April 2005 to ask for clarification on the information provided to him.
4. NHS 24 responded to Mr Bell on 13 April 2005 and partially disclosed the geographical numbers to Mr Bell. This partial disclosure included the area codes and the first 3 digits of the telephone number in two cases and in the third case it included the area code and the first 2 digits of the telephone number.
5. Mr Bell submitted a request to NHS 24 on 12 May 2005 to ask that it review its response to him of 12 April 2005.
6. NHS 24 subsequently carried out a review and issued its review decision on 9 June 2005. NHS 24 upheld its decision to withhold the geographical telephone numbers which lie behind the 0845 national number on the basis of the exemption contained in section 39(1) of FOISA, i.e. that disclosure would, or would be likely to, endanger the physical or mental safety of an individual.
7. On 8 July 2005, Mr Bell applied to me for a decision as to whether NHS 24 had breached Part 1 of FOISA in withholding the geographical numbers that lie behind the national 0845 number for NHS 24. The case was subsequently allocated to an Investigating Officer within my Office.

The Investigation

8. Mr Bell's appeal was validated by establishing that he had made a valid information request to a Scottish public authority under FOISA and had appealed to me only after asking the Council to review the response to his request.



9. A letter was sent by the Investigating Officer to NHS 24 on 21 July 2005, asking for its comments on Mr Bell's application in terms of section 39(1) of FOISA. NHS 24 was also asked to provide my Office with information to allow the Investigating Officer to carry out the investigation.

Submissions from NHS 24

10. The submission from NHS 24 stated that the information withheld was considered to be exempt from disclosure under section 39(1) of FOISA as disclosure would, or would be likely to, endanger the physical or mental health or safety of an individual.
11. NHS 24 has indicated that it is relying on this exemption because of the clinical risk that callers may be subject to if calls are made to NHS 24 via direct line numbers rather than through the 0845 number.
12. NHS 24 states that the geographical numbers which lie behind the national 0845 number have a set number of lines into each and a directly dialled call may never reach the service if all lines to that number are already in use. NHS 24 does not have any contingency plans in place to support directly dialled calls.
13. NHS 24 advised the Investigating Officer that each of its sites is connected to the PSTN (Public Switch Telephony network) via two telephone exchanges providing diverse routing of calls to each site. Calls entering a site via the BT Intelligent network are delivered via both serving exchanges, to corresponding DTN's (direct telephone numbers) within relevant number ranges. There is a 50-50 percentage split of NHS 24's lines across each of the numbering ranges, which provides NHS 24 with a contingency routing should either of the serving exchanges experience a failure. If callers accessed NHS 24 direct via one of the corresponding DTN's, there is no contingency to route the calls should the exchange experience a failure.
14. NHS 24 gives an example of a problem which could occur if someone dials a direct DTN number. If, for example, there are 60 lines available and 10 people dial the DTN direct, the network which controls the 0845 number will still think that 60 lines are available so there is a potential of 10 callers getting an engaged tone instead of overflowing to the next location available to answer calls.



15. NHS 24 also say that all calls to NHS 24 through the 0845 route receive welcome/busy/safety messages dependent on how busy the service is at the time of calling – the safety message, for example, tells patients to call 999 if they are in a life threatening position. These messages would not be available to callers receiving the engaged tone as a result of dialling direct, thereby increasing the clinical risk.
16. In its submissions, NHS 24 has stated that if this information was disclosed, this would result in lives being put at risk as some patients' conditions require immediate emergency action.
17. Section 39(1) is a qualified exemption in that it is subject to the public interest test. NHS 24 has commented that in applying the public interest test, it took into account the endangerment to other members of the public when phoning NHS 24 through the 0845 number, because NHS 24 has no contingency in place to route numbers should the number or equipment experience a failure. NHS 24 has also stated that disclosure of the information would not be in the interests of the public at large and therefore the public interest test would be in favour of withholding the information.

The Commissioner's findings and analysis

18. Section 39(1) of FOISA exempts information if its disclosure would, or would be likely to, endanger the physical or mental health or the safety of an individual.
19. The information being withheld from Mr Bell are the geographical telephone numbers which lie behind the national 0845 number which is used to access NHS 24. These telephone numbers would provide a direct line into NHS 24 call centres if they were disclosed to the public. This would mean that members of the public would not need to go through the national number to contact NHS 24 and would therefore circumvent the exchange and call routing facility that is in place at each NHS 24 call centre. This in turn may lead to congestion of the telephone lines and may mean that those individuals calling on the 0845 number may not have their call routed properly.
20. Having considered the arguments put forward by NHS 24 on the effect this could have on clinical risk, I am satisfied that this information if released into the public domain would or would be likely to, endanger the physical or mental health or the safety of an individual.



21. As mentioned above, the exemption under section 39(1) of FOISA is a qualified exemption in that it is subject to the public interest test. Having found that the information is exempt under section 39(1), I must now go on to consider whether the public interest would be better served by the information being withheld or the information being released.
22. I am satisfied that the public interest in withholding the geographical telephone numbers for NHS 24 outweighs the public interest in disclosing them. I consider public safety to be paramount here and that public safety would be better served by the information not being released.

Decision

I find that NHS 24 complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in withholding from Mr Bell the geographical telephone numbers which lie behind the national 0845 number for NHS 24. The exemption in section 39(1) of FOISA was relied on correctly by NHS 24 and, as a result, section 1(1) was applied correctly.

Kevin Dunion
Scottish Information Commissioner
21 November 2005