



Scottish Information
Commissioner
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Decision Notice 101/2025

Medical Priority Dispatch System codes

Authority: Scottish Ambulance Service Board

Case Ref: 202401232

Summary

The Applicant asked the Authority for information relating to the codes used in the Medical Priority Dispatch System (MPDS). The Authority stated that it did not hold the information. The Commissioner investigated and found that the Authority did hold the information for the purposes of FOISA. He required the Authority to provide the Applicant with a revised review outcome.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2), (4) and (6) (General entitlement); 3(2) (Scottish public authorities); 17(1) (Notice that information is not held); 21(1) (Review by a Scottish public authority); 47(1) and (2) (Application for decision by Commissioner)

Background

1. On 29 June 2024, the Applicant made a request for information to the Authority. He asked for an excel document listing:
 - All MPDS codes within the SAS C&C system
 - The default colour coding of each MPDS code
 - Whether the code is set to show as suitable for Community First Responder tasking within the Alternative Response Desk C3 configuration
 - Whether the code would flag as suitable for BASICS Responder tasking

- Whether the code would flag for SORT consideration
 - Whether the code would flag for TRAUMA desk consideration
2. The Authority responded on 19 July 2024, giving notice under section 17 of FOISA that it did not hold the information. By way of advice and assistance, the Authority explained that the requested information was owned by a third party company, and that all dispatch coding and dispatch code descriptions are the intellectual property of the International Academy of Emergency Dispatch (IEAD). The Authority explained that it was able to make use of the information under licence, that it held the information for the purpose of this requirement, and had no right to edit or share it.
 3. On 19 July 2024, the Applicant wrote to the Authority requesting a review of its decision. The Applicant stated that he was dissatisfied with the decision because, whilst the information may be bound by intellectual property rights, he did not consider that section 17 of FOISA applied.
 4. The Authority notified the Applicant of the outcome of its review on 28 August 2024. The Authority upheld the original response without modification.
 5. On 11 September 2024, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated he was dissatisfied with the outcome of the Authority's review because it was not issued to him within the timescale required by FOISA and he considered that the Authority's application of section 17 of FOISA was wrong.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 11 October 2024, the Authority was notified in writing that the Applicant had made a valid application. The case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions. These related to the Authority's reasons for not complying with the timescales set out in FOISA, and why the Authority considered the information was not held by it.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Whether information is held for the purposes of FOISA

10. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which are not relevant in this case. The information to be given is that held by the authority at the time the request is received (section 1(4) of FOISA).

11. Section 3(2) of FOISA defines the circumstances in which information is held by a Scottish public authority. Section 3(2)(a)(i) of FOISA states that if a Scottish public authority holds the information on behalf of another person, then the information is not held by that authority for the purposes of FOISA. Consequently, if the information requested in any given case is held on behalf of another person, the authority must give the applicant notice under section 17(1) of FOISA.
12. The word "held", in relation to information requested under FOISA, has a specific meaning in section 3(2)(a)(i) of FOISA. When information is present within a Scottish public authority's premises and systems only because it is held on behalf of another person (in the legal sense, i.e. including another organisation) - or (in terms of section 3(2)(a)(ii)) the information was supplied by the Crown or UK government and held in confidence - that information is not held by the authority for the purposes of FOISA.
13. There is no suggestion that section 3(2)(a)(ii) of FOISA applies so, for the purposes of this decision, information will be held by the Authority if it is held by the Authority otherwise than on behalf of the LEAD.

The Applicant's comments

14. The Applicant cited [an Information Tribunal decision](#)¹ (Ofcom and T-Mobile v the UK Information Commissioner) which he considered was relevant to his request. In particular, he referred to paragraph 51 of the Tribunal decision, which stated;

"It is accepted by all parties that the release of information under either EIR or FOIA does not involve an implied licence to exploit it commercially or to do any act which would constitute an infringement if not authorised. Any person to whom the information is released will therefore still be bound by an obligation to respect any intellectual property rights that already subsist in it."
15. The Applicant submitted that in stating that it was licensed to use the dispatch codes and dispatch coding descriptions, the Authority has confirmed that it holds the information. He argued that this must mean that section 17 of FOISA does not apply, notwithstanding any ability, or otherwise, the Authority has to share the information covered by his request. He submitted that the Authority was incorrect to apply section 17 of FOISA to his request.

The Authority's comments

16. The Authority explained that MPDS stands for "Medical Priority Dispatch System" and that this is the system it uses to handle emergency calls. Specifically, the Authority explained that callers to the 999 emergency line are taken through a predetermined set of questions and that the questions presented to the caller by the call handler are dependent on the answers previously given by the caller through the MPDS. The Authority explained that the answers provided by the caller allow the MPDS to generate a specific code (the MDPS code), which determines the priority of the incident.
17. The Authority noted that it also used the MPDS to identify whether specified codes may be suitable for other types of response, for example, Community First Responders, Special Operations Team (SORT), GP responders (BASICS) or Trauma Response. The Authority submitted that the MPDS and corresponding codes was provided to it by the Priority Dispatch Corporation through a corporate agreement between the two organisations.

¹ <https://informationrights.decisions.tribunals.gov.uk/DBFiles/Decision/i104/Ofcom.pdf>

18. The Authority acknowledged that it did use the MPDS system. The Authority provided the Commissioner with a copy of the End User Agreement between the Authority and the Priority Dispatch Corporation and it argued that, through this agreement, the Authority had limited control over the MPDS system and the MPDS codes.
19. The Authority was asked to consider other information about the MPDS system and codes that was already in the public domain, placed there in response to previous FOI requests by the Authority itself or by other public authorities. The Authority submitted that information previously disclosed by it (two MPDS codes related to cardiac arrest), should not have been disclosed; it submitted that it had no permission to disclose it. However, the Authority also argued that disclosure of those two codes was unlikely to cause harm.

The Commissioner's view

20. The Commissioner has fully considered all of the submissions. The critical question for the Commissioner to consider is whether the information requested, which the Authority has confirmed it uses, and therefore possesses, is held by the Authority for the purposes of FOISA.
21. The Commissioner notes that the MPDS and related codes are clearly of significant importance to the Authority in carrying out its core functions. There is an appropriate connection between the information and the Authority (as described by the Upper Tribunal (England and Wales) in its decision [University of Newcastle v Information Commissioner \[2011\] UKUT 185 \(AAC\)](#)² and expressly approved by the Court of Session in [Graham v Scottish Information Commissioner \[2019\] CSIH 574](#))³.
22. The Commissioner does not consider he would be justified in finding the information requested was not held for the purposes of FOISA, simply because the Authority holds an End User Licence Agreement regarding its use of the information, including its sharing.
23. Irrespective of any obligations the Authority may have in relation to the information and its use, the Commissioner considers that the information is held by the Authority and he finds that the Authority was not entitled to rely on section 17(1) of FOISA. The Authority should have confirmed that it held the information and either disclosed it to the Applicant or explained to the Applicant why the information was exempt under one of the provisions of FOISA. In failing to do so, the Authority failed to comply with Part 1 of FOISA.
24. The Commissioner therefore requires the Authority to carry out a further review and respond to the Applicant afresh. However, this does not mean that the information will necessarily be disclosed. The right to information in section 1(1) is not absolute and is subject to the application of any relevant exemptions in Part 2 of FOISA.

Failure to comply with timescales in FOISA

25. Section 21(1) of FOISA gives authorities a maximum of 20 working days following the receipt of the requirement to comply with a requirement for review, subject to exceptions which are not applicable in this case.

² <https://administrativeappeals.decisions.tribunals.gov.uk/Aspx/view.aspx?id=3263>

³ <https://www.scotcourts.gov.uk/media/2idfz3dj/appeal-by-dr-ian-graham-against-the-scottish-information-commissioner.pdf>

26. The Applicant submitted a requirement for review on 19 July 2024. The Authority did not notify the Applicant of the outcome of its review until 28 August 2024, eight days later than the required timescale.
27. The Authority apologised to the Applicant in its late review outcome, and it submitted that the delay was due to increased workload and absence within the team at that time. The Authority submitted that it had reviewed internal processes to ensure that all reviews are carried out within the required timescale.
28. Notwithstanding, the Commissioner finds that the Authority failed to respond to the Applicant's requirement for review within the 20 working days allowed under section 21(1) of FOISA. In failing to comply with this timescale, the Authority failed to comply with Part 1 of FOISA.
29. Given that the Authority did provide a response to the Applicant's requirement for review, the Commissioner does not require the Authority to take any further action in relation to this particular breach, in response to this decision.

Decision

The Commissioner finds that the Authority failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOIS) in responding to the information request made by the Applicant by

- failing to respond to the Applicant's requirement for review within the 20 working days allowed under section 21(1) of FOISA, and
- incorrectly applying section 17(1) to their request and informing them that it did not hold the information requested

The Commissioner requires the Authority to carry out a further review and respond to the Applicant afresh, otherwise than in terms of section 17(1) of FOISA by **12 June 2025**.

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Euan McCulloch
Head of Enforcement

28 April 2025