



Scottish Information
Commissioner
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Decision Notice 052/2026

Patient transport data

Applicant: The Applicant

Authority: Scottish Ambulance Service Board

Case Ref: 202501715

Summary

The Applicant asked the Authority for the number of patients refused patient transport over a specified period to Raigmore Hospital from Caithness due to not meeting the relevant criteria. The Authority informed the Applicant it did not hold the information requested. The Commissioner investigated and was satisfied the Authority did not hold the information requested.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 17(1) (Notice that information is not held); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 30 July 2025, the Applicant made a request for information to the Authority. She asked for:
 - (i) The number of patients transported to Raigmore Hospital from Caithness for each of the following years by patient transport service: 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025
 - (ii) The number of patients refused patient transport to Raigmore Hospital from Caithness due to not meeting the criteria for each of the following years: 2022, 2023, 2024 and 2025.

2. The Authority responded on 7 August 2025 in the following terms:
 - For part (i), it provided the total number of journeys completed for each calendar year from 1 January 2017 to 30 June 2025.
 - For part (ii), it informed the Applicant that it did not record information on how many patients were refused public transport and issued the Applicant with a notice, in terms of section 17(1) of FOISA, that it did not hold the information requested.
3. On 22 August 2025, the Applicant wrote to the Authority requesting a review of its decision. She stated that she was dissatisfied with the Authority's response to part (ii) of her request as she considered this information must be held by the Authority.
4. The Authority notified the Applicant of the outcome of its review on 23 September 2025, which fully upheld its decision on part (ii) of her request and provided a further explanation on why it did not hold the information requested.
5. On 27 September 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. She stated that she was dissatisfied with the outcome of the Authority's review for the reasons set out in her requirement for review.

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 23 October 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was subsequently 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 related to how it established that it did not hold the information requested for part (ii) of the Applicant's request.

Commissioner's analysis and findings

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

Section 17(1) of FOISA – Notice that information is not held

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 public authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) of FOISA are not applicable in this case.
11. The information to be given is that held by the Authority at the time the request is received, as defined by section 1(4) of FOISA. This is not necessarily to be equated with information that an applicant believes the public authority should hold. If no such information is held by the public authority, section 17(1) of FOISA requires the authority to give the applicant notice in writing to that effect.

12. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance of probabilities lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
13. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) held by the public authority.

The Applicant's submissions

14. As stated above, the Applicant was dissatisfied with the Authority's response to part (ii) of her request as she considered this information must be held by the Authority.
15. More specifically, the Applicant considered that the Authority was "playing with words" when it said that it did not hold the information requested given that its review outcome said that it held the information of patients who are non-eligible or where an assessment has not been complete, with "both marked as fails".
16. The Applicant also explained why she considered it important that the information requested should be held by the Authority and why it should be disclosed.

The Authority's submissions

17. By way of background, the Authority explained that its Patient Transport Service (PTS) was allocated based on clinical or mobility need, and that it did not refuse transport to any patient who met the national eligibility criteria.
18. In terms of the process, the Authority said that patients contacted the PTS Assessment Line and undertook a Patient Needs Assessment (PNA). The answers provided by the patients identified and determined their medical and mobility needs, and they would be assigned to the appropriate level of care and transportation based on the outcome of the PNA. Any individuals who did not require the level of care provided by the Authority's Scheduled Care Service were signposted to alternative transport providers.
19. The Authority said that it interpreted the reference to "patients refused [PTS]" in part (ii) of the Applicant's request to mean those assessed as not eligible for the Authority's PTS during the PNA process. It explained that PTS assessment outcomes were recorded on its system, which used a single "fail" marker for two different scenarios:
 - Patients who had been assessed and found not eligible.
 - Patients where an assessment had not been completed (e.g. an incomplete call or insufficient information).
20. The Authority stated that both scenarios were recorded in its system under the same category and were not held in a way that allowed them to be reliably separated. It confirmed that it could not "disaggregate" these two categories without creating new information, which FOISA did not require public authorities to do.
21. The Authority further explained that "location information" specific to the required journey would only be gathered once an assessment has been marked as complete, the patient found to be eligible for PTS transport and a journey booked. If a patient was not eligible for

PTS transport, a journey would not be booked which meant that “specific location information” about the start and end points of the journey would not be collected.

22. If a patient’s outcome from the PNA was “non-eligible” or “incomplete”, the Authority said that this information would be captured at the patient “master-record level” and that it did not create a journey record. Journey-level fields (e.g. pickup and destination location, postcode or Health Board) were only generated once eligibility was confirmed and a booking made.
23. Consequently, the Authority explained that information about patients who were not eligible for PTS transport could only be reported at a “Scotland-wide level” and could not be broken down into the geographical areas as requested by the Applicant. It noted that callers may provide an address during an initial contact but said that when no booking was created those journey fields were not populated which meant that there was “no consistent geographic data” to filter by Health Board or similar areas.
24. The Authority disagreed with the Applicant’s suggestion that it was “playing with words”. It noted its review outcome explained that it did not hold a category whereby patients had been “refused” patient transport requests but that it held some high-level information on patients who were assessed as non-eligible, but that this information was not held in a way that allowed it to be broken down into geographical areas.
25. The Authority submitted that there were three reasons why it considered this high-level information “not held” for the purposes of part (ii) of the Applicant’s request:
 - It was unable to distinguish between ineligible patients and incomplete assessments as both were marked as “failed” with no way to reliably separate these out.
 - It did not hold the information at level which would enable the reporting at the specific locations requested (i.e. Caithness to Raigmore).
 - The way the assessment information was archived meant information was duplicated across the archive and live systems, which meant complex skill and judgement would be required to ensure any information was “deduplicated” and accurate.
26. Regarding the high-level information it held where “non-eligible” outcomes and “assessment not complete” outcomes were both coded on the system as “fails”, the Authority explained that, while it could extract an overall “fails” figure, that figure could include both those assessed as non-eligible and those whose assessments were incomplete. It therefore considered this “raw fails count” to be different to the count of people assessed as non-eligible and it may overstate or understate that group.
27. The Commissioner asked the Authority about other potential sources of the information requested by the Applicant in part (ii) of her request; for example, data collected on patient transport to assess patterns or future use of resources and information held as part of any appellate procedure regarding a decision of ineligibility for PTS transport.
28. The Authority recognised that “unstructured references” may exist within complaints/feedback records, operational free text logs or other correspondence. However, it said that these references (to the extent that they were held) were not held consistently and in a reportable format.
29. The Authority explained that it produced PTS reports which were populated from the PTS booking system and which focused on demand, journeys, capacity and aggregate eligibility outcomes for planning (e.g. demand and capacity reviews). It reiterated that requests for

PTS which were deemed ineligible or incomplete did not generate a corresponding journey record and that there was no information about the start and end points of the requested journeys associated with these cases.

30. The Authority confirmed that it operated an appeals route for PTS eligibility decisions and that it held recorded information about these appeals. It explained that information was held in case level records rather than in a central, reportable dataset.
31. In conclusion, the Authority maintained its reliance on section 17(1) of FOISA in response to part (ii) of the Applicant's request.

The Commissioner's view

32. The Commissioner has carefully considered the terms of part (ii) of the Applicant's request. Having done so, he is satisfied that the Authority's interpretation of the request was reasonable. In other words, he agrees that the Authority was correct to distinguish between ineligibility due to patients who had been assessed and found not eligible and patients where an assessment had not been completed (with only the former category falling within the scope of the Applicant's request).
33. Having considered all relevant submissions and the terms of part (ii) of the Applicant's request, the Commissioner is satisfied that the Authority took adequate, proportionate steps in the circumstances to establish whether it held any information that fell within the scope of the request. In his view, those the Authority consulted in response to the request had appropriate experience and knowledge of the subject matter of the request; he considers that the steps taken would have been capable of locating the information requested if it was held.
34. While the Applicant believed and expected the specified information to be held by the Authority, the Commissioner is satisfied, on balance, that the Authority does not (and did not, on receipt of the request) hold the information requested by the Applicant.
35. The Commissioner recognises why the Applicant believes it is important that the Authority should hold the specified information. However, whether a public authority should hold information which it does not hold is not a matter for the Commissioner to decide, nor can he, as noted in paragraph 23 in [Decision 050/2021](#)¹, instruct a public authority to change its record keeping systems.
36. In the circumstances, the Commissioner accepts that the high-level information which the Authority has acknowledged it holds does not satisfy part (ii) of the Applicant's request. In his view, the request seeks an answer based on a full data set (i.e. the number of patients refused patient transport to Raigmore Hospital from Caithness due to not meeting the criteria) and which cannot be answered where the underlying data are not recorded systemically (as he is satisfied, on balance, is the case here).
37. In all of the circumstances, the Commissioner is satisfied, on balance, that the Authority does not (and did not, on receipt of the request) hold the information requested in part (ii) of the Applicant's request. He therefore finds that the Authority was correct to inform the Applicant, in terms of section 17(1) of FOISA, that it did not hold the information requested.

Decision

¹ <https://www.foi.scot/decision-0502021>

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

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.

Cal Richardson
Deputy Head of Enforcement

19 March 2026