

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 February 2023

Public Authority: Education Authority Northern Ireland

Address: 40 Academy Street
Belfast
BT1 2NQ

Decision (including any steps ordered)

1. The complainant requested information from the Education Authority of Northern Ireland ("the EA") about school buses. The EA provided some information in response to the request but explained that it did not hold some of the other information requested.
2. The Commissioner's decision is that, on the balance of probabilities, the EA does not hold the requested information.
3. The Commissioner does not require the EA to take any steps as a result of this decision notice.

Request and response

4. On 10 October 2022, the complainant wrote to the EA and requested information in the following terms:

"Please can you provide a breakdown of all Education Authority school transportation which serves these schools in the Portadown area.

1. For the morning time period (children dropped off at specified school between 7:30 am and 9:00 am)
2. For the afternoon time period (children collected at specified school between 3:00 pm and 4:30 pm)

Please provide this information in electronic form by entering the figures in the attached spreadsheet and return via e-mail."

5. The EA responded on 3 November 2022. It stated that some of the information was held and this was being provided but advised that some of the information was not held as:

"The Authority also do not hold any information as requested in regard to (Ulster Buses). You may wish to redirect this part of your request to Translink directly."

6. On 14 November 2022, the complainant requested the EA conduct an internal review of its response as the complainant found:

"... it difficult to believe the Education Authority does not hold information on School transport services which it requests from Ulsterbus ..."

7. Following an internal review, the EA wrote to the complainant on 13 December 2022. It stated that it upheld its original position, confirming that the requested information is not held. The EA advised the complainant that:

"EA does not hold the requested information in relation to Translink/ Ulsterbus services.

Translink provides a home to school transport service on behalf of the EA and is directly responsible for setting/adjusting routes as appropriate.

The EA only holds information in relation to our own Home to School service and that of Private Operators who are contracted to undertake home to school transport on behalf of EA.

To be clear, under the FOIA the EA is not required to find the answer to a question raised under FOI, it is only required to consider recorded information held by the EA.

It is considered good practice, where a public authority does not hold the requested information but believes that it may be held by another public authority, to advise the requester to redirect their request to the other public authority; hence our suggestion in the original FOI Response, for you to redirect the relevant part of your request to Translink."

Scope of the case

8. The complainant contacted the Commissioner on 24 January 2023, to complain about the way their request for information had been handled.
9. The Commissioner considers the scope of the investigation is to determine if, on the balance of probabilities, the EA holds the requested information about Translink/Ulsterbus and whether it has complied with section 1(1) of FOIA.

Reasons for decision

10. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled, under subsection (a), to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
11. The Commissioner has sought to determine whether, on the balance of probabilities, the EA holds the requested information.
12. From the information provided, the Commissioner can see that EA has explained, in both the original response to the complainant and in the internal review, that it does not hold such information as requested about Translink/Ulsterbus services.
13. The EA has explained to the Commissioner that:

“The EA Transport team further clarified that Translink provides a home to school transport service on behalf of the EA and that Translink itself is directly responsible for setting/adjusting routes as appropriate.”
14. The EA also clarified their reference to Translink, as follows:

“We would further advise, for clarification purposes only, that Translink is the brand name of the ‘Northern Ireland Transport Holding Company’, a public corporation in Northern Ireland which provides the public transport in the region, NI Railways, Ulsterbus and Metro are all part of Translink.”
15. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the EA and, therefore, it cannot be provided.

16. The EA has complied with its obligations under section 1(1) of FOIA in this case.
17. The Commissioner notes that the EA has suggested the complainant contact Translink direct to request the information.

Right of appeal

18. 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

19. 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.
20. 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

Michael Lea
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