

Request for document from Health Funding Authority

Legislation	Official Information Act 1982, s 18(e)
Agency	Health Funding Authority
Ombudsman	Sir Brian Elwood
Case number(s)	W39807
Date	April 1998

Request for specific information—information at issue did not exist

The requester, a national organisation representing a sector of health care providers, believed that during a three-day period of contract negotiations with the North Office of the Health Funding Authority, that office had agreed to provide a critique of a contract the national organisation had concluded with another health region. The requester later specifically requested *‘the document prepared during these three days’*. The Health Funding Authority responded that there had been no agreement to provide a specific critique of the contract.

The Health Funding Authority advised that the information that had been requested did not exist, as no critique had been prepared. The request had been specifically for a copy of a document prepared during the three-day meeting. As no such document had been prepared, the view was formed the request could be declined under section 18(e) of the OIA on the basis that the document did not exist or could not be found.

Comment

While the requester believed that the Health Funding Authority had undertaken to prepare such a document, the OIA only applies to information which is actually *‘held’* by a relevant department or organisation. It was suggested that the requester might consider making a request framed in wider terms, if it was believed that there was other relevant information held by the Health Funding Authority relating to the contract in question. It was also noted that it was open to the requester to pursue with the Health Funding Authority its concerns that the critique had not been prepared during the three-day meeting.

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