

Directorate of Nursing and Midwifery

FREEDOM OF INFORMATION INDIVIDUAL ACCESS POLICY

Reference:	NUP011
Version:	1.0
This version issued:	October 2007
Result of last review:	Not applicable
Date approved:	August 23 rd 2007
Approving body:	Performance, Operations and Planning Group
Date for review:	August 2009
Reviewer:	Director of Nursing and Midwifery
Document type:	Policy
Number of pages:	7 (including front sheet)
Author:	Public Relations & Communications Manager

Northern Lincolnshire and Goole Hospitals NHS Trust actively seeks to promote equality of opportunity and good race relations.

The Trust seeks to ensure that no employee, service user, or member of the public is unlawfully discriminated against for any reason, including their religion, beliefs, race, colour, gender, marital status, disability, sexual orientation, age, social and economic status or national origin.

These principles will be expected to be upheld by all who act on behalf of the Trust, with respect to all aspects of this document.

Freedom of Information Individual Access Policy

Contents

Section		Page
1.0	Purpose	3
2.0	Personnel	3
3.0	Area	3
4.0	Actions	3
4.1	General	3
4.2	Initial receipt of requests	4
4.3	Management of requests	4
4.4	Fees	5
4.5	Withholding of information	5
5.0	Related Documents	5
6.0	References	5
7.0	Definitions	6
Appendix A		7

1.0 Purpose

- 1.1 The Government is committed to greater openness in the public sector, shifting the culture from one of confidentiality to one of openness.
- 1.2 There is a recognised need to balance:
 - The right to information
 - The right to confidentiality
 - The right to effective public administration
- 1.3 Freedom of Information legislation gives the right of access to all types of information held by the NHS and its partners – subject to certain conditions and exceptions.
- 1.4 The Freedom of Information Act, which came into force in January 2005, gives individuals the right of access to non-personal information held by the Trust.
- 1.5 The Trust has endeavoured to make as much of its information as possible available through the publication scheme. The purpose of this document is to outline the policy and procedure for dealing with requests for information that is not available through the publication scheme.

2.0 Personnel

- 2.1 All staff who receive requests for non-personal information
- 2.2 Public Relations and Communications Department staff
- 2.3 Caldicott Guardian
- 2.4 Executive and non-executive directors

3.0 Area

This policy and procedure is relevant Trust-wide and applies to requests for non-personal information held by the Trust.

4.0 Actions

4.1 General

- 4.1.1 The Trust's procedure for dealing with Freedom of Information Act requests (i.e. this document) is made available on the publication scheme.

4.1.2 In the event an individual wishes to access information not available on the publication scheme the procedure to be followed is referenced at Appendix A.

4.2 Initial receipt of requests

4.2.1 All requests should be referred in the first instance to the Public Relations Manager for the Trust, or their deputy.

4.2.2 All requests have to be managed within 20 working days; therefore it is important that written requests are sent to the Public Relations and Communications office as quickly as possible.

4.2.3 Members of the public should make requests for information should be made in a permanent form (i.e. in writing or e-mail) with enough information to enable the Trust to locate the information.

4.2.4 All requests should have the name and ideally the address of the person requesting the information. If possible include their telephone number so any queries or clarifications can be dealt with quickly.

4.2.5 When required the Trust will attempt to help individuals making requests to help clarify their information requirements.

4.2.6 The Public Relations and Communications department will keep and update a log of queries received and track progress towards completion.

4.2.7 Vexatious or repeated requests from the same individual will not be routinely addressed.

4.3 Management of requests

4.3.1 Upon receipt of requests the Public Relations and Communications Manager and/or nominated deputy will contact the division or directorate concerned to assist in the location and collation of the information requested.

4.3.2 The response will be in the format requested by the applicant.

4.3.3 Where the Trust is unable to comply with a request because it does not hold the information, it will confirm to the applicant that the information is not held and will offer help in transferring the request to the appropriate public body where the information is held.

4.3.4 When requests relate to or affect individual persons other than the applicant or the Trust, consideration will be given to determine whether an exemption applies.

4.3.5 Where third parties supply information to the Trust they will be informed of the Trust's duty to comply with the Freedom of Information Act and that the information, if requested, will be released unless an exemption applies.

4.3.6 A log of requests with outcomes will be maintained by the Public Relations and Communications department.

4.4 Fees

- 4.4.1 If the retrieval of the information requested costs more than £450 the applicant must be informed and allowed to modify their request so it falls under this amount. If it costs more than this amount the applicant must be charged the fee in order to access the information.
- 4.4.2 Where a fee is applicable the 20-day period may be extended by up to three months until the fee is paid.

4.5 Withholding of information

- 4.5.1 The decision to withhold information cannot be made by individual departments or directorates. It can only be decided by the Public Relations Manager and/or the Caldicott Guardian together with one executive director and one non-executive director.
- 4.5.2 Where the Trust decides not to release information, it will give its reasons and inform the applicant of the right to request a formal review of the decision, prior to the right to complain to the Information Commissioner.
- 4.5.3 Formal reviews of any request where information is withheld will be treated as a complaint and will be dealt with in accordance with the Trust's complaints procedure.
- 4.5.4 In the event that the Trust receives an enforcement notice from the Information Commissioner it will either:
- Accept the enforcement notice and release the information within 20 working days
 - Obtain a signed certificate from the Cabinet Minister/Lord Chancellor's Office over-riding the Information Commissioner notice within 20 working days
- 4.5.5 The decision to escalate or release the information will be made by the Chief Executive and Chairman together with those identified in 0. Therefore the Chairman and Chief Executive should not be one of the directors used in 0.

5.0 Related documents

Management of Complaints (GQP009)

6.0 References

Freedom of Information Act 2000. HMSO

7.0 Definitions

None

Appendix A

Freedom of Information – Individual right of access

