

DATE	26 July 2016
REPORT FOR	Trust Board of Directors – Public
REPORT FROM	Wendy Booth, Director of Performance Assurance & Trust Secretary
CONTACT OFFICER	Kathryn Helley, Deputy Director of Performance Assurance
SUBJECT	Freedom of Information (FOI) Annual Report 2015/16
BACKGROUND DOCUMENT (IF ANY)	None
REPORT PREVIOUSLY CONSIDERED BY & DATE(S)	Trust Governance & Assurance Committee – 18 July 2016
EXECUTIVE COMMENT (INCLUDING KEY ISSUES OF NOTE OR, WHERE RELEVANT, CONCERN AND / OR NED CHALLENGE THAT THE BOARD NEED TO BE MADE AWARE OF)	The report provides details of FOI requests, response rates and originators of requests for the period 2015/16
HAVE THE STAFF SIDE BEEN CONSULTED ON THE PROPOSALS?	N/A
HAVE THE RELEVANT SERVICE USERS/CARERS BEEN CONSULTED ON THE PROPOSALS?	N/A
ARE THERE ANY FINANCIAL CONSEQUENCES ARISING FROM THE RECOMMENDATIONS?	NO
IF YES, HAVE THESE BEEN AGREED WITH THE RELEVANT BUDGET HOLDER AND DIRECTOR OF FINANCE, AND HAVE ANY FUNDING ISSUES BEEN RESOLVED?	N/A
ARE THERE ANY LEGAL IMPLICATIONS ARISING FROM THIS PAPER THAT THE BOARD NEED TO BE MADE AWARE OF?	NO
WHERE RELEVANT, HAS PROPER CONSIDERATION BEEN GIVEN TO THE NHS CONSTITUTION IN ANY DECISIONS OR ACTIONS PROPOSED?	YES
WHERE RELEVANT, HAS PROPER CONSIDERATION BEEN GIVEN TO SUSTAINABILITY IMPLICATIONS (QUALITY & FINANCIAL) & CLIMATE CHANGE?	YES
THE PROPOSAL OR ARRANGEMENTS OUTLINED IN THIS PAPER SUPPORT THE ACHIEVEMENT OF THE TRUST OBJECTIVE(S) AND COMPLIANCE WITH THE REGULATORY STANDARDS LISTED	Ensures compliance with statutory requirements
ACTION REQUIRED BY THE BOARD	The Board is asked to note the report

**Annual Report  
Freedom of Information Requests  
2015/16**

**July 2016**

## 1. INTRODUCTION

The Freedom of Information Act came into force on January 1<sup>st</sup> 2005. It gives the public the right to receive any non-personal information the Trust holds on any issue – subject to certain exclusions.

The responsibility for adhering to the strict timescales set out within the act, and in processing, logging and answering Freedom of Information (FOI) requests for Northern Lincolnshire and Goole Hospitals NHS Foundation Trust currently lies with the Head of Quality Assurance.

All FOI requests are referred to the FOI Co-ordinator, the request is logged on a Trust-wide database and the relevant divisions/directorates are asked to provide the information required to answer the request within 10 working days of the receipt of the request. This information is then processed, verified and sent to the requester within the statutory 20 working days.

Requests are received from numerous sources including individuals, students, journalists, MPs and businesses.

This report looks at:

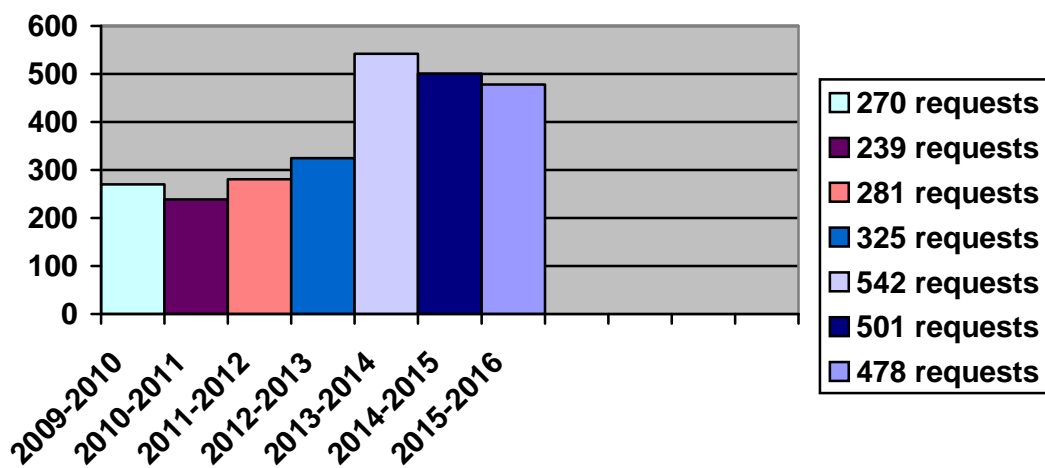
- The numbers of FOI requests that have been received
- Compliance
- The types of information being requested
- Any difficult or vexatious requests received

## 2. REQUESTS RECEIVED

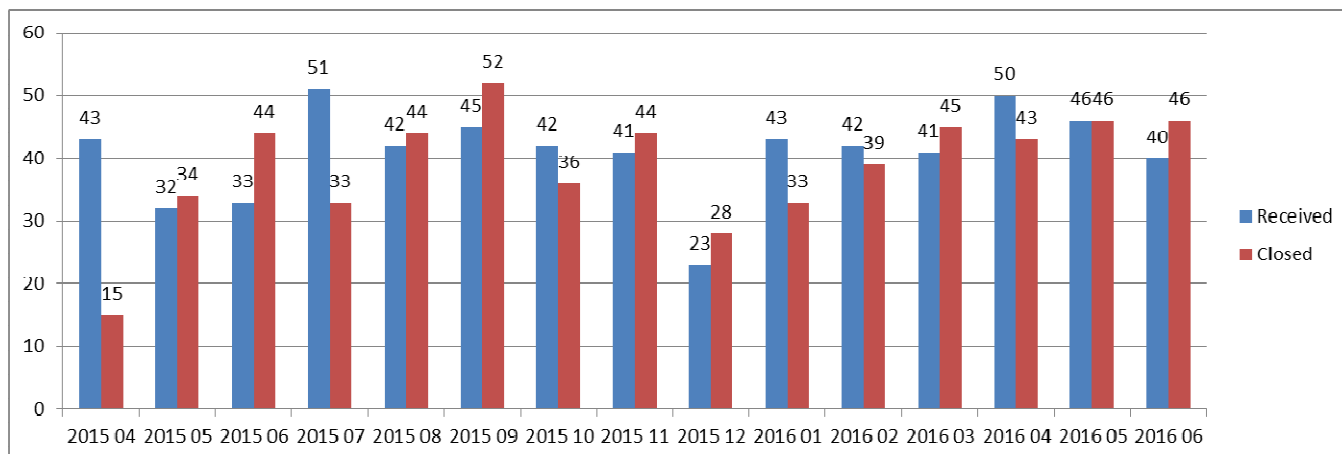
The number of FOI requests fluctuates from month to month, however there has been a steady increase in the number being received year on year, with a slight decrease noted in 2014/15 and 2015/16 from the peak seen in 2013/14. It is envisaged that this increase will continue to be seen.

Since the Act came into force in 2005 (until 31 March 2016), the Trust has received a total of 2,635 requests.

The graph below shows how these are broken down from April to March for each financial year.



For the 2015/16 financial year, the number of FOIs received and closed is illustrated graphically as follows:



The above chart illustrates that the number received each month remains fairly predictable at between 40 and 50 requests. Whilst the numbers have increased over time since the Freedom of Information Act was implemented, so too has the complexity of the requests.

It is unsurprising to note that the themes of requests mirror what is topical at the time, so a high number of FOI requests during 2015/16 have dealt with the following themes:

- Medical and Nurse staffing levels
- Medical and Nurse agency cover costs / agencies used
- Recruitment efforts information
- Effect of Junior doctor contract
- Supplier competition seeking contract end dates / contracts in operation

Also seen this year have been two Data Protection Act Subject Access Requests (SAR) making specific requests for searches of personal information held on them by individual Trust employee's email systems. This has been unseen before and from liaison with other Data Processing Officers in the region reflects a growing trend of HR Grievances using an SAR to support their cases. This is of concern due to the significant time constraints this has on a finite resource in order to comply with the DPA 40 day target set and enforced by the Information Commissioners Office (ICO).

These increased numbers of standard FOI requests and the associated increasing complexity has been administered within existing resources of 1.0 wte since 1 January 2005. However, it is becoming increasingly difficult to stay on top of incoming requests for information.

### 3. 20 DAY COMPLIANCE

Once a request has been received, the Trust has 20 working days within which to respond to the requester, and 40 calendar days for DPA/SAR requests. Each request is sent to the relevant Directorate and it has 10 working days within which to process the information and return it to the FOI Co-ordinator to collate and draft a response. The draft is then sent to the FOI Lead for approval.

All of the 478 requests received during 2015-16 met the 20-day deadline apart from one DPA SAR which went over the 40 day deadline. This failure to meet the 40 day deadline is an example of a complex and time consuming need to search specific individual email accounts, whilst at the same time ensuring this was done in such a way

as protecting the personal information of those staff members named within this search. The Information Commissioners Office (ICO) made contact with the Trust and were assured that the Trust process was not faulty and recognised the complex nature of the SAR request made.

#### 4. TYPES OF INFORMATION REQUESTED

The type of information requested is extremely diverse. Some enquiries are relatively straightforward, whereas others can take hours of manpower to source and analyse the relevant information.

##### Request for Information by Group and Received

	15/16 Q1	15/16 Q2	15/16 Q3	15/16 Q4	Total
Chief Nurse	1	2	2	11	16
Trust Board - Chief Executive/Chairman	0	0	0	1	1
Clinical Support Services	0	0	1	1	2
Community & Therapy Services Group	1	1	2	2	6
DCQA	11	15	0	0	26
Deputy Chief Executive	0	0	0	4	4
Diagnostics Therapeutics & Central Ops	11	16	5	0	32
Estates and Facilities	11	13	7	5	36
Finance	20	28	28	22	98
Medical Director	0	0	0	1	1
Medicine Group	1	8	3	3	15
Organisation & Workforce Development	8	13	9	8	38
Path Links	4	1	4	2	11
Performance Assurance	0	3	6	15	24
Pharmacy	1	0	4	3	8
Strategy and Planning	34	32	28	32	126
Surgery & Critical Care Group	5	4	2	7	18
Women and Children's Group	0	2	5	9	16
<b>Totals:</b>	108	138	106	125	478

#### 5. CONTENTIOUS REQUESTS

There were 4 internal reviews of FOIs carried out during the period. None were escalated to the Information Commissioners Office.

There were 3 contentious requests during the period, 2 of which were DPA SAR requests.

1 SAR was escalated by the requester to the ICO. This was later closed by the ICO and they were satisfied with the Trusts response and explanations.

## 6. CONCLUSION

The FOI Act has increased the transparency and accountability in the NHS. The growing number of FOI requests and the complexity of them continue to grow resulting in a significant workload. We are also receiving more Data Protection Act and Subject Access Requests. At national and local level the trend is likely to continue as public awareness of the Act increases.

Freedom of Information requests continue to create a phenomenal amount of work due to the complexity and type of information that requesters have asked for. This burden falls not only to the FOI Co-ordinator but also the Directorates who have to access the information and respond within the 20 day period.

It is thanks to all of these staff members that the Trust continues to meet its duty and has not been criticised by the Information Commissioners Office (ICO).