

## Chief Executive's Office

# FREEDOM OF INFORMATION INDIVIDUAL ACCESS POLICY

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Northern Lincolnshire and Goole NHS Foundation Trust actively seeks to promote equality of opportunity. The Trust seeks to ensure that no employee, service user, or member of the public is unlawfully discriminated against for any reason, including the "protected characteristics" as defined in the Equality Act 2010. These principles will be expected to be upheld by all who act on behalf of the Trust, with respect to all aspects of Equality.

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## 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 Area

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

## 3.0 Duties

- 3.1 All staff have a legal duty to comply with the Freedom of Information Act. This policy sets out the procedure should an individual request information. Members of the public need not cite the act in order for the Trust and all staff to comply with it.
- 3.2 All staff who receive requests for non-personal information are required to forward the request to the FOI Officers.
- 3.3 The Communications and Engagement Department to approve responses to any requests for information from the Media.
- 3.4 The Trust Secretary, as the organisation's designated Caldicott Guardian, together with the Associate Director of Communications and Engagement will ensure training and written procedures are available to ensure that all staff are aware of their personal responsibilities.
- 3.5 The Associate Director of Communications and Engagement has designated responsibilities for ensuring this policy is reviewed and implemented throughout the organisation.

## 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 Freedom of Information Inbox, managed by the Freedom of Information Officers.  
[Nlg-tr.foi@nhs.net](mailto:Nlg-tr.foi@nhs.net)
- 4.2.2 All requests have to be responded to within 20 working days; therefore it is important that written requests are sent to the Freedom of Information Officers as quickly as possible.
- 4.2.3 Members of the public who make requests for information should be advised to make this 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 the e-mail / postal 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 clarify their information requirements.
- 4.2.6 The Freedom of Information Officers 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 be addressed, in line with the Information Commissioners guide to Freedom of Information on dealing with Vexatious Requests.

### 4.3 Management of Requests

- 4.3.1 Upon receipt of requests the Freedom of Information Officers will contact the directorate(s) 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, wherever possible.
- 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 (where this applies).
- 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 Freedom of Information Officers.

#### **4.4 Fees**

**4.4.1** If the retrieval of the information requested costs more than £450 (or 18 hours of work) 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 Trust may allow the applicant to 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 Freedom of Information Officers and the Associate Director of Communications and Engagement. The Caldicott Guardian may also be consulted, if and when required.

**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 an Internal Review of the decision by the Caldicott Guardian and / or an Executive Director prior to the right to complain to the Information Commissioner.

**4.5.3** Internal 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 Freedom of Information Internal Review process.

**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's Enforcement 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 4.5.2. Therefore the Chairman and Chief Executive should not be one of the Directors used in 4.5.2.

## 5.0 Monitoring Compliance and Effectiveness

5.1 A log of requests will be kept on Datix, from which quarterly reports will be compiled and submitted to the Information Governance Steering Group who will monitor compliance with this policy. The content of the quarterly reports will include the following as a minimum:

- Number of FOI requests
- Number not responded to in 20 working days
- Reasons for exceeding statutory deadlines
- Justification for applications of any exemptions
- Any requests escalated to the ICO by the applicant

5.2 If the Trust fails to comply, it will breach its legal duties of a public body and, therefore should performance drop below 90% compliance the Trust will investigate and rectify the performance issues.

5.3 An annual FOI report will also be submitted to the Trust Board, this will include resource, performance and compliance issues.

## 6.0 Associated Documents

Guidance for dealing with FOI Requests (Appendix B).

## 7.0 References

7.1 Freedom of Information Act 2000. HMSO.

7.2 The Guide to Freedom of Information, Information Commissioner's Office (ICO). October 2014.

## 8.0 Definitions

FOI – Freedom of Information.

## 9.0 Consultation

Information Governance Steering Group for approval and then to the Audit, Risk and Governance Committee (ARG).

## 10.0 Equality Act (2010)

- 10.1** Northern Lincolnshire and Goole NHS Foundation Trust is committed to promoting a pro-active and inclusive approach to equality which supports and encourages an inclusive culture which values diversity.
- 10.2** The Trust is committed to building a workforce which is valued and whose diversity reflects the community it serves, allowing the Trust to deliver the best possible healthcare service to the community. In doing so, the Trust will enable all staff to achieve their full potential in an environment characterised by dignity and mutual respect.
- 10.3** The Trust aims to design and provide services, implement policies and make decisions that meet the diverse needs of our patients and their carers the general population we serve and our workforce, ensuring that none are placed at a disadvantage.
- 10.4** We therefore strive to ensure that in both employment and service provision no individual is discriminated against or treated less favourably by reason of age, disability, gender, pregnancy or maternity, marital status or civil partnership, race, religion or belief, sexual orientation or transgender (Equality Act 2010).

## 11.0 Freedom to Speak Up

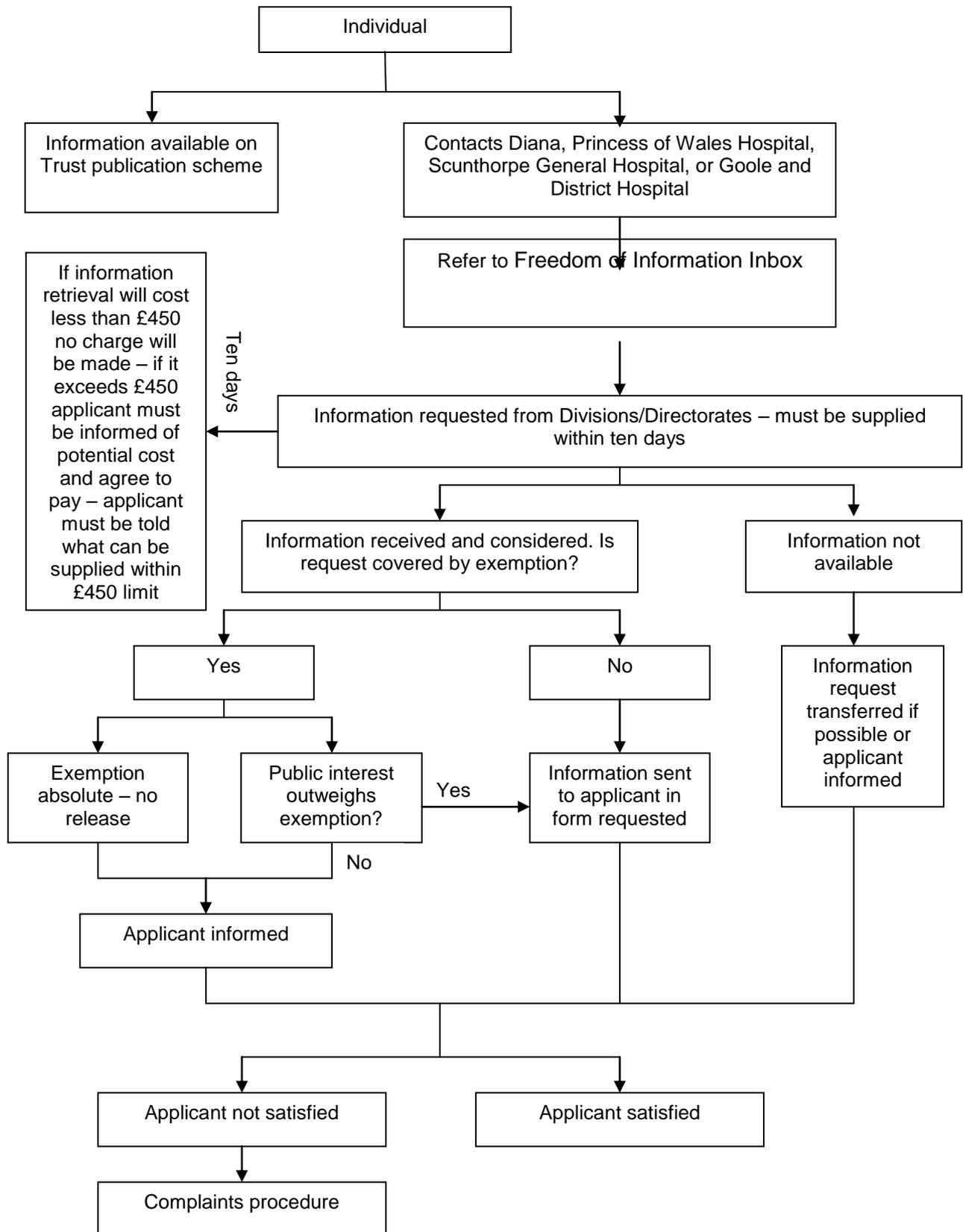
Where a member of staff has a safety or other concern about any arrangements or practices undertaken in accordance with this policy, please speak in the first instance to your line manager. Guidance on raising concerns is also available by referring to the Trust's Freedom to Speak Up Policy and Procedure (DCP126). Staff can raise concerns verbally, by letter, email or by completing an incident form. Staff can also contact the Trust's Freedom to Speak Up Guardian in confidence by email to [nlq.tr.ftsuguardian@nhs.net](mailto:nlq.tr.ftsuguardian@nhs.net). More details about how to raise concerns with the Trust's Freedom to Speak Up Guardian or with one of the Associate Guardians can be found on the Trust's intranet site.

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**The electronic master copy of this document is held by Document Control,  
Trust Secretary, NL&G NHS Foundation Trust.**

Appendix A

Freedom of Information – Administration Process



## Appendix B

### GUIDANCE FOR DEALING WITH FOI REQUESTS

- All requests for information should be treated under the Freedom of Information Act – even if they do not mention FOI
- The Act allows 20 working days to respond with information and, therefore, it is important to deal with all requests in a timely manner
- All requests should be in written form, either by letter or by e-mail and contain the requester's full name and either a postal or e-mail address to respond to.
- All requests should come through the Freedom of Information Officers. Requests received elsewhere in the Trust should be forwarded to the FOI Officers for them to deal with. No other Trust staff should attempt to deal with, or acknowledge requests, unless requested to by the FOI Officers
- Some requests are obviously being sent to many or all NHS Trusts/organisations. In these instances it can be advantageous to liaise with other Trusts to ensure a consistent approach is taken
- Upon receipt of a request it is good practice to acknowledge receipt as soon as possible – preferably within five working days.
- Training will be provided to the FOI Officers dealing with requests – both on the computer system for logging requests and on basic provisions and exemptions under the Act
- The requests should be logged on the Datix system, with the date received and acknowledged, brief description of the request, details of who is requesting the information and the area they are enquiring about – together with copies of all e-mails/letters relating to the request
- The original request should be forwarded to the relevant person/s within the Trust who can provide the information. This information should be provided to the FOI Officers within 10 working days. The person/s providing the information should not attempt to apply exemptions under the Act, but should flag up areas of concern to the FOI Officers
- After ten working days, if the information is not provided to the FOI Officers, a reminder should be issued.
- Upon receipt of the information the FOI Officers should check to see if any exemptions apply under the Act. The Associate Director of Communications and Engagement/Trust Secretary should be consulted with any contentious requests and legal advice can be sought
- Responses should be provided within 20 working days and should be sent by the FOI Officers following approval by the Associate Director of Communications and Engagement or nominated person in their absence. A copy of the response should be kept with the original request on the Datix system
- Regular reports will be provided to monitor trends and to check to ensure vexatious or repeated requests from individuals are not creating unmanageable amounts of work for the Trust