



Freedom of Information: Bi-Annual Report

Public Board

27 January 2022

Presented for:	Information
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Previous Committees	None

Trust Goals	
The best for patient safety, quality and experience	✓
The best place to work	✓
A centre for excellence for research, education and innovation	
Seamless integrated care across organisational boundaries	
Financial sustainability	

Key points	
1. The Board are requested to note the Trust's compliance with the Freedom of Information Act 2000 ("the FOIA").	Information
2. Note the current trends in terms of the source(s) of FOIA requests and the type of information sought.	Information

1. Summary

The Trust responded to 75% of information requests received within the statutory timeframe of 20 working days between October 2020 and September 2021. This report focuses upon quarters three and four of the previous financial year and quarters one and two of the current financial year.

The majority of the information requests disclosed during the specified time period, were from private individuals, professional networks, or prospective suppliers/consultants. The most sought information was on clinical activity data, contractual information or corporate information.

2. Background

The Freedom of Information Act 2000 (FOIA) came into force on the 1st January 2005, it provides individuals with a right of access to information held by public authorities. It is intended to promote transparency and accountability and provoke well-informed debate with regards to all aspects of public sector activity.

The Trust Information Governance Manager has been trained in Freedom of Information, allowing for the provision of expert advice and guidance to members of the public and staff alike and for deeper understanding of the legislation and its interface with the Data Protection Act 2018.

Upon receipt of an FOI request the Trust formally acknowledges the request and sends it on to the appropriate service(s) for action within two working days of receipt. Each service is given approximately ten working days to collate the information and return it to the Information Governance Manager.

The Information Governance Manager reviews the information that has been returned and applies any appropriate exemptions to the information. The Trust has provided an example of exemptions it commonly relies upon within Appendix one.

The request is then put into a formal response letter and presented to the Head of Information Governance for sign off. Once a response is approved, it is then disclosed to the requester. The Trust aims to respond to all requests within 20 working days or earlier.

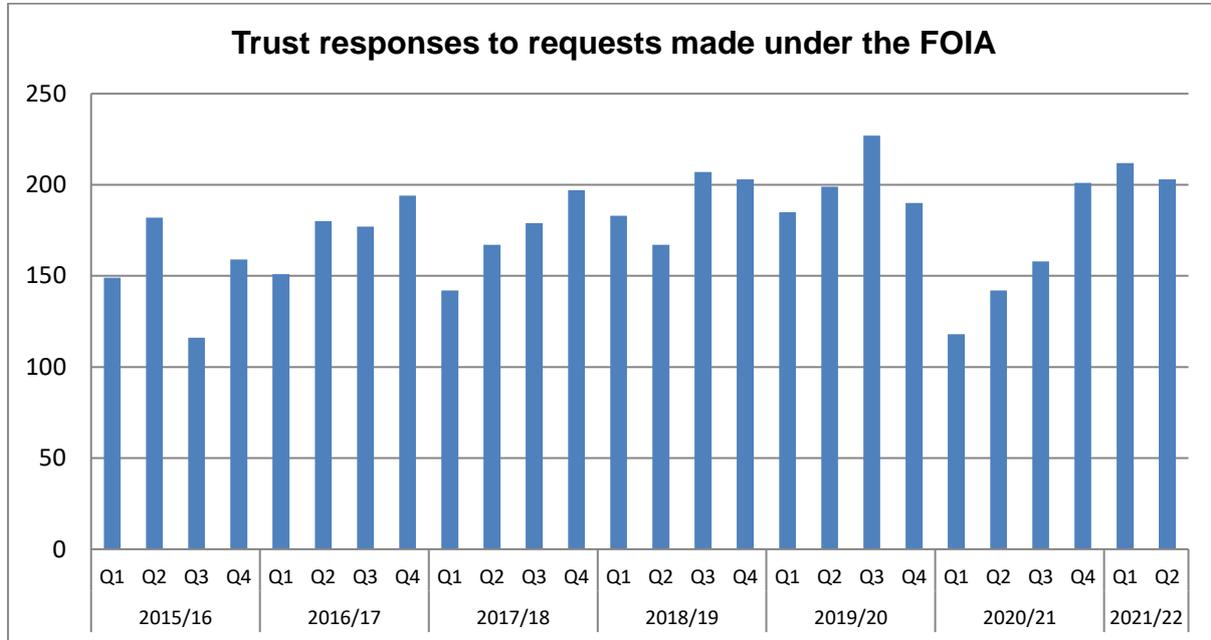
3. Performance since the FOIA came into force

Operational responsibility for Trust compliance with the FOIA was assumed by the Information Governance ("IG") team in April 2010. The IG team consists of six individuals working to ensure that the organisation is compliant with its obligations in relation to legislation and regulated guidance.

The Trust has a 95% target for responding to information requests within the 20 working day timeframe. The Trust responded to 75% of information requests within the statutory timeframe of 20 working days between October 2020 and September 2021. The Trusts compliance of sending responses out within the statutory obligation of 20 working days has been significantly impacted due to staff member's time and

resource being used for patient care and supporting the Trust with management of the pandemic.

The graph below shows requests received from 2015/16 until quarter one and quarter two of the financial year (2021/2022.) The Trust has seen an increase in requests received since the previous financial year.



Between October 2020 and September 2021 the Trust has not been approached by the Information Commissioners Office (ICO) in relation to any FOI requests.

4. Requests received and disclosed by Primary topic between October 2020 and September 2021.

These requests can be split by primary topic as follows:

Topic	Count
Clinical activity data	231
Complaints, claims and incidents	31
Contractual Information	68
Corporate Information	126
Covid-19	14
Current Affairs	59
Environmental	14
Information Governance	1
IT Security	5
Patient Safety	1
Pharmaceutical	50

Policies and Procedures	15
Services Offered	65
Spend: Non-Pay	24
Spend: Pay	5
Structural	1
Workforce Data	64
Total	774

5. Requests received and disclosed by source between October 2020 and September 2021

These requests can be split by source as follows:

Source	Count
Academic / Research	18
Charity	12
Government/MP	4
NHS	28
Press	85
Private	353
Professional Network	155
Prospective Supplier / Consultant	95
Research	7
Solicitor	9
Student	8
Total	774

The majority of requests originated from private individuals, professional networks, or from prospective suppliers/consultants. Regarding requests received from private individuals, it is not possible to associate them with any particular organisation or to identify whether they are patients, or members of the general public, as the requests have been made using a personal e-mail account.

6. Publication under the Freedom of Information Act

This paper is available under the Freedom of Information Act 2000

7. Recommendation

The Board is asked to receive the annual Freedom of Information report.

Appendix one:

FOI Exemptions

Between October 2020 and September 2021, the exemptions most commonly used where appropriate, have been the following:

Exemption Applied	Count
Section 12	Applied to 66 requests
Section 40	Applied to 14 requests
Section 43	Applied to 13 requests

Section 12

Allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to: - either comply with the request in its entirety or; - confirm or deny whether the requested information is held. The appropriate limit is currently £600 for central government and £450 for all other public authorities. All public authorities should calculate the time spent on the permitted activities at the flat rate of £25 per person, per hour.

Section 40 (2)

Any information to which a request for information relates is also exempt information if:

- It constitutes as personal data, please note that if individuals are acting within their professional capacity this may not constitute as being personal data

Section 43

Section 43 of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity.)

Where the information requested constitutes a trade secret, there is no need to consider the harm its release may cause. The fact that the information is a trade secret is reason enough to withhold the information (subject to the public interest test).

Information which does not constitute a trade secret can only be withheld under this exemption if the public authority is satisfied that to release the information would damage someone's commercial interests. This is referred to as the prejudice test. Section 43 does not apply beyond 30 years, the point at which information becomes a "historical record".