

Freedom of Information: Annual Report

Public Board

January 2024

Presented for:	Information
resented by:	Dr Paul Jones - Chief Digital Information Officer
Author	Lorna Crowther - Information Governance Manager
Previous Committees	None

Our Annual Commitments for 2023/24 are:	
Effectively develop and deploy new assets (buildings, equipment, IT)	✓
Reduce healthcare associated infections	
Improve staff retention	✓
Deliver the financial plan	✓
Reduce average length of stay by 0.5 days per patient	
Achieve the Access Targets for Patients	✓
Support a culture of research	✓

Risk Appetite Framework		
Level 2 Risks	(Risk Appetite Scale)	Risk
Information Governance Risk - We will appropriately manage information management risk through the collection, storage, management and maintenance of information. As a minimum, we will meet data protection and healthcare information governance requirements	Cautious	↔ (same)

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 94% of information requests received within the statutory time frame of 20 working days between October 2022 and September 2023. 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 current affairs.

2. Background

The Freedom of Information Act 2000 (FOIA) came into force on 1 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.

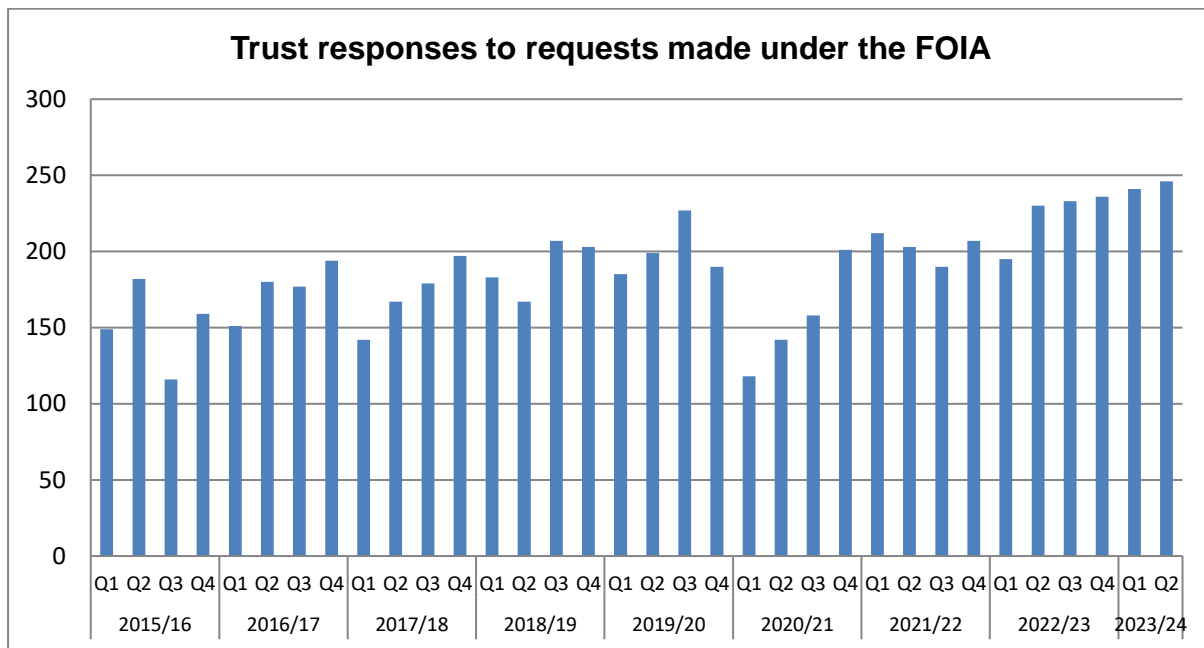
The request is then put into a formal response letter and presented to the Associate Director of Information Governance for sign off. Once a response is approved, it is then disclosed to the requester. The Trust aims to respond to all requests within 20 working days or earlier.

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. From quarter two of the financial year 22/23, the Trust has seen a significant increase in the receipt of FOI requests which, with additional operation pressures including staffing strikes, this has caused us to slightly fall behind our 95% target response rate. The Trust responded to 94% of information requests within the statutory timeframe of 20 working days between October 2022 and September 2023.

The graph below shows requests received from 2015/16 until quarter one and quarter two of the current financial year (2023/2024.) The Trust has seen a slight increase in requests received since the previous financial year.



Between October 2022 and September 2023, the Trust has been approached twice by the Information Commissioners Office (ICO) in relation to an FOI request.

4. Requests received and disclosed by Primary topic between October 2022 and September 2023.

These requests can be split by primary topic as follows:

Topic	Count
Clinical activity data	252
Complaints, claims and incidents	33
Contractual Information	159
Corporate Information	23
Current Affairs	134
Environmental	21
HR	8
IT Security	1
Pharmaceutical	86
Policies and Procedures	31
Services Offered	65
Spend: Non-Pay	96
Workforce Data	47
Total	956

5. Requests received and disclosed by source between October 2022 and September 2023

These requests can be split by source as follows:

Source	Count
Academic / Research	33
Charity	3
Government/MP	4
NHS	39
Press	104
Private	339
Professional Network	269
Prospective Supplier / Consultant	136
Solicitors	9
Student	20
Total	956

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.

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Date: 24th November 2023

Appendix one:**FOI Exemptions**

Between October 2022 and September 2023, the exemptions most commonly used where appropriate, have been the following:

Exemption Applied	Count
Section 12	Applied to 73 requests
Section 40	Applied to 20 requests
Section 43	Applied to 37 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".