

Freedom of Information – Staff Procedures

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1. The Freedom of information (FOI) Umbrella

All requests for information are technically FOI requests. It is the Freedom of Information Act 2000 (FOIA 2000) (in England, Wales and Northern Ireland) which brings together the FOI, data protection and environmental legislation. Requests for personal information by the data subject are re-routed via Section 40 to the Data Protection Act 2018 (DPA 2018), and requests for environmental information are re-routed to the Environmental Information Regulations 2004 (EIR 2004), via Section 39 of the FOIA.

- Corporate Information – FOIA 2000
- Environmental Information – Section 39 (FOIA 2000) applies – reroute to EIR 2004
- Personal Information – Section 40 (FOIA 2000) applies – reroute to DPA 2018

2. When requests are received

Anyone has the right to request information from the Trust. We have two separate duties when responding to these requests.

- To tell the applicant whether we hold any information falling within the scope of their request; and
- To provide the information – within the scope of the FOIA

There is a process to follow when responding to requests for information.

In order for a request to be a valid freedom of information request, it has to meet four criteria:

- Name to correspond with
- Address for correspondence
- The request has to be in writing (fax, letter or email)

If a request is made verbally by someone who is unable to read or write; the Trust will assist the applicant to write down their request and encourage him/her to verify with a friend or family member that the written request is in fact what is required. A similar approach can be taken with applicants who may not speak English and require assistance to write down their request.

- The request has to be understandable

The request does not have to mention the Freedom of Information Act 2000. The name used does not have to be the real name of the applicant; no proof of identity is required. The Act is blind to the identity of the applicant, and the Trust (public authority) cannot ask why the applicant wants the information.

Applicants can ask for any information held by the public authority and this can be held in any format:

- Emails, text messages, microfiche
- Video, audio cassettes
- Photographs, X-rays, CCTV
- Word documents, Excel spreadsheets
- Paper records, diaries

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Information requests need to be validated, acknowledged, logged onto our FOI system*, responded to and the Trust in responding needs to decide whether to disclose all, some, or none of the information requested.

The Walton Centre NHS Foundation Trust (WCFT) has its own in house FOI system dedicated to logging, acknowledging, distributing and responding to all requests received within the Trust.

Further information also available at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>

All requests will be logged onto the FOI system. The Medical Director/Caldicott Guardian will have input for requests involving clinical information.

3. Charging

Applicants can expect to receive up to £450.00 (18 hours) of information free of charge based on an estimate of £25 per hour of staff time (£600 for government departments).

If it is estimated that retrieving the information, post and packaging etc. will cost more than this, the Trust is not obliged to provide the information, although it has a duty to assist the applicant in bringing the request under the £450 (or £600) limit. If the applicant does not wish to do this, alternatively the Trust can make a charge.

The cost of the time for deciding whether an exemption applies is not included in the estimate; this must be provided free of charge. For a full set of guidance in respect of fees, please visit:

https://ico.org.uk/media/1168/fees_cost_of_compliance_appropriate_limit.pdf

4. Non-Compliance

The provisions of the Act include Section 51, which enables the Information Commissioner to serve an information notice (which follows a decision notice). If the Trust fails to comply with this, the Commissioner can certify this in writing to the court (the High Court) and issue an enforcement notice.

5. Exemptions

There are two types of class exemption:

- **Absolute**, which do not require a test of prejudice or the balance of public interest to be in favour of non-disclosure;
- **Qualified** by the public interest test, which require the public body to decide whether it is in the balance of public interest to not disclose information.

A qualified exemption may be applied if, in all circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the Trust holds the information.

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The Trust will seek to use the qualified exemptions sparingly and will, in accordance with Section 17 of the Act justify the use of such exemptions.

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The **absolute** exemptions under the Act are:

Section 21	Information accessible to applicant by other means
Section 23	Information supplied by, or relating to, bodies dealing with security matters
Section 32	Court Records
Section 34	Parliamentary Privilege
Section 36	Prejudice to effective conduct of public affairs (so far as relating to information held by the House of Commons or the House of Lords)
Section 40	Personal Information (where disclosure may contravene the Data Protection Act 1998) Note: applicants may apply for information which contains both personal data and non-personal data e.g. internal reports. The Trust must make clear which act the information is being disclosed under i.e. DPA or FOI. If disclosing under FOI only information may be disclosed which would be disclosed to any member of the public;
Section 41	Information provided in confidence
Section 44	Prohibitions on disclosure

The exemptions that are **qualified** by the public interest test are:

Section 22	Information intended for future publication
Section 24	National Security
Section 26	Defence
Section 27	International Relations
Section 28	Relations within the United Kingdom
Section 29	The Economy
Section 30	Investigations and proceedings conducted by public authorities
Section 31	Law Enforcement
Section 33	Audit Functions
Section 35	Formulation of Government Policy
Section 36	Prejudice to effective conduct of public affairs (for all public authorities except the House of Commons and the House of Lords)
Section 37	Communications with Her Majesty, etc. and honours
Section 38	Health and Safety
Section 39	Environmental Information
Section 42	Legal Professional Privilege
Section 43	Commercial Interests

For full guidance on using the exemptions please visit:

<https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/#10>

6. Police requests

Police requests for non-confidential information will be processed as a routine Freedom of Information Act request. For confidential information requests please see the confidentiality policy which includes a form for the police to complete.

7. MP letters

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MP letters which are requesting corporate, non-confidential information will be processed as routine Freedom of Information Act requests.

8. Time limits

The Trust will ensure it complies with the duty to confirm or deny and to provide the information request in 20 working days of a request, in accordance with section 10 of the Act. All staff at every level in the organisation will be required to comply with these requirements.

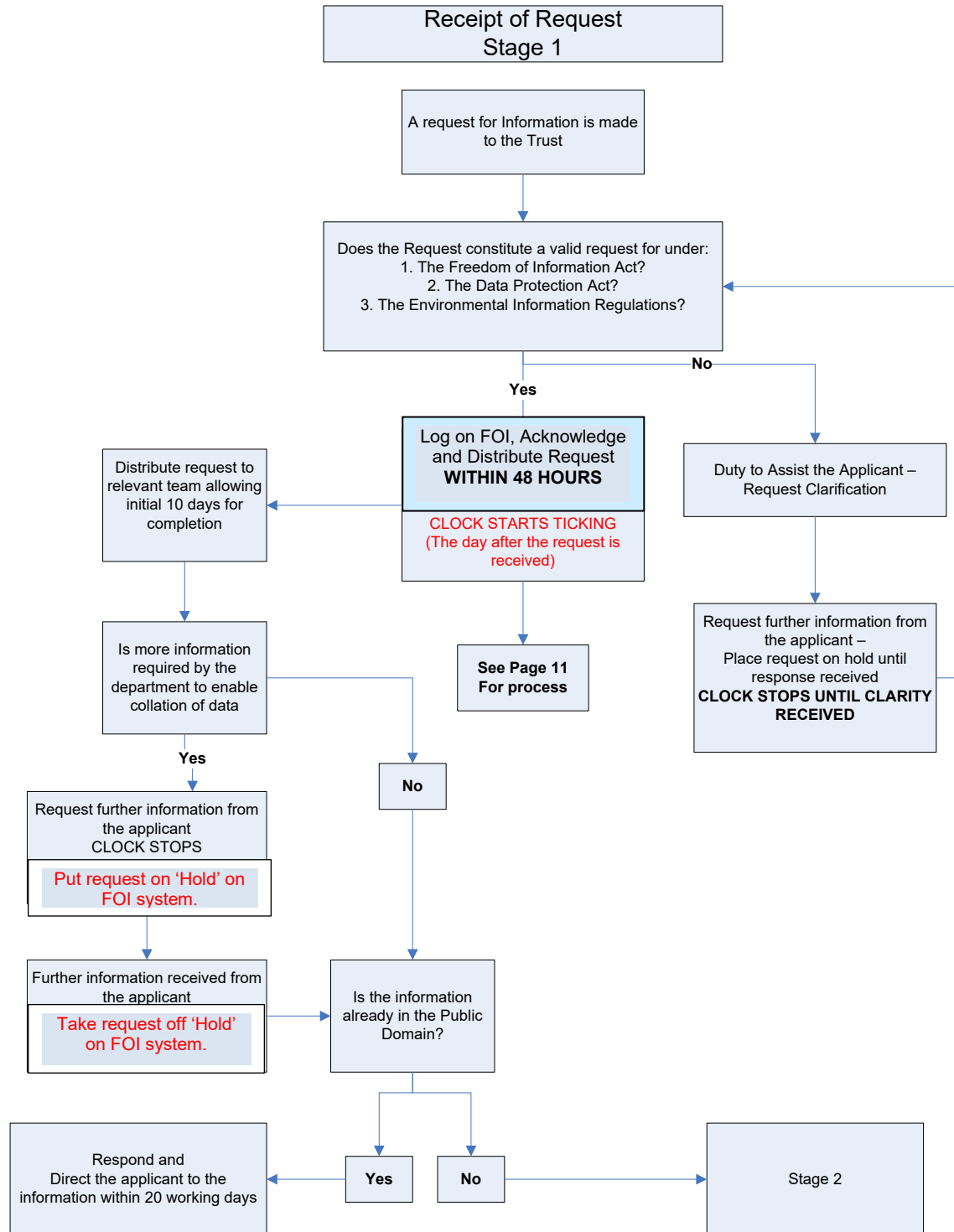
9. Circular (Round Robin) Requests

Circular or 'round robin' requests can be received into The Trust. The Information Commissioner has issued guidance on 'Circular requests' and advises that if a request is valid, any consideration of whether it is vexatious or manifestly unreasonable should be carried out in accordance with their separate guidance on 'Dealing with vexatious requests' and 'Manifestly unreasonable requests'.

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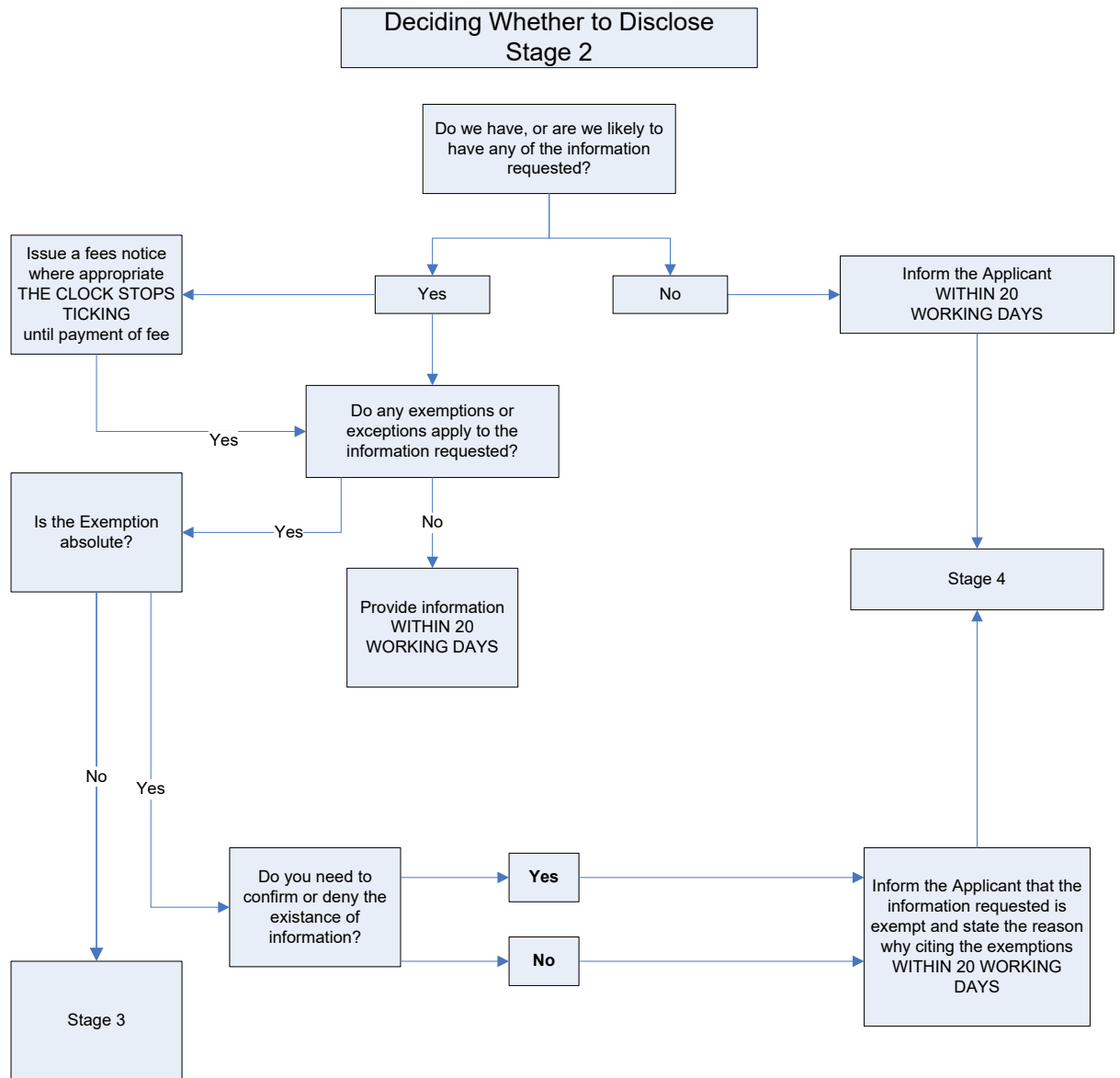
Stages of handling a request

10. Stage 1 – Receipt of Request



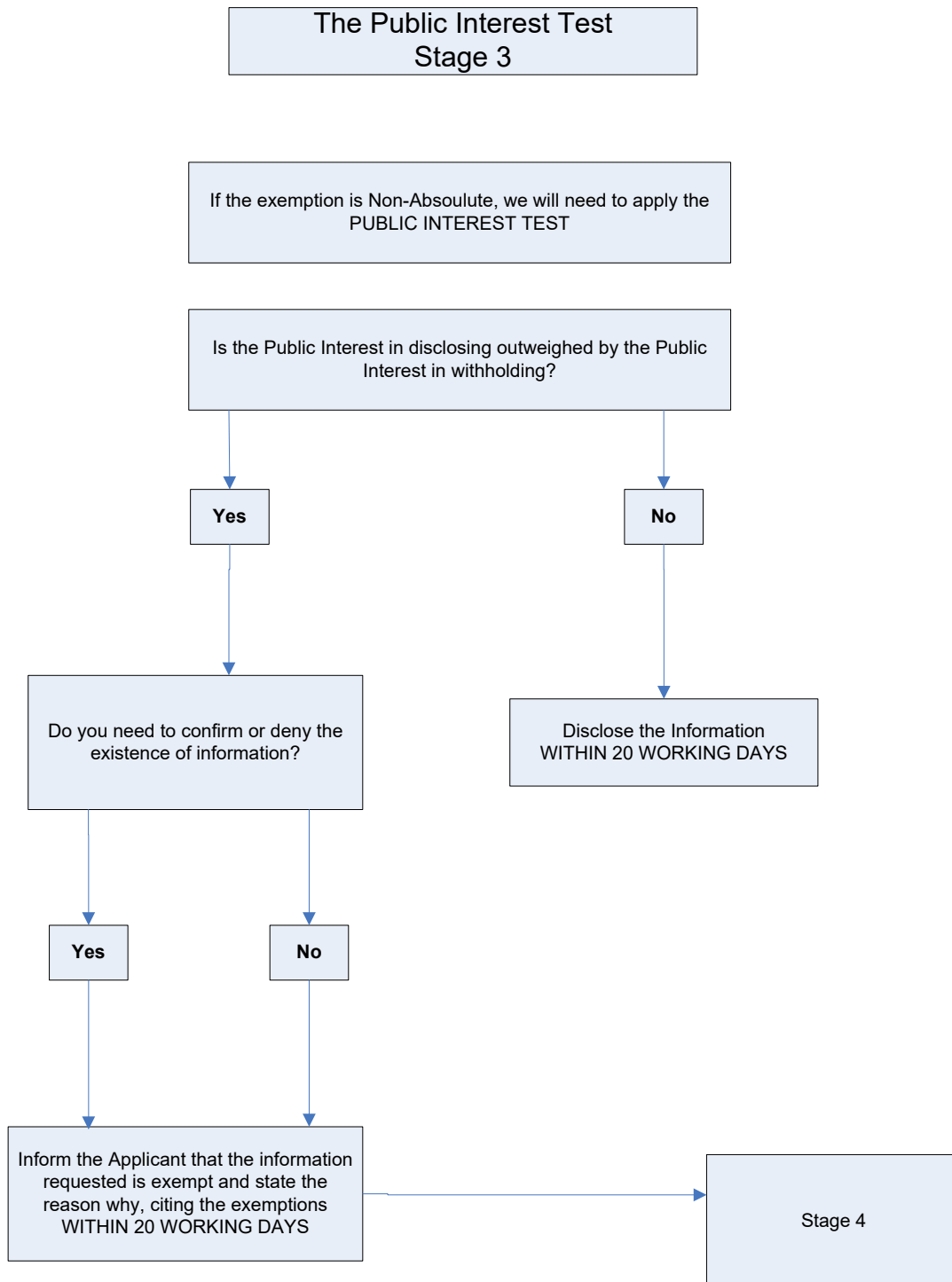
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11. Stage 2 – Deciding whether to disclose



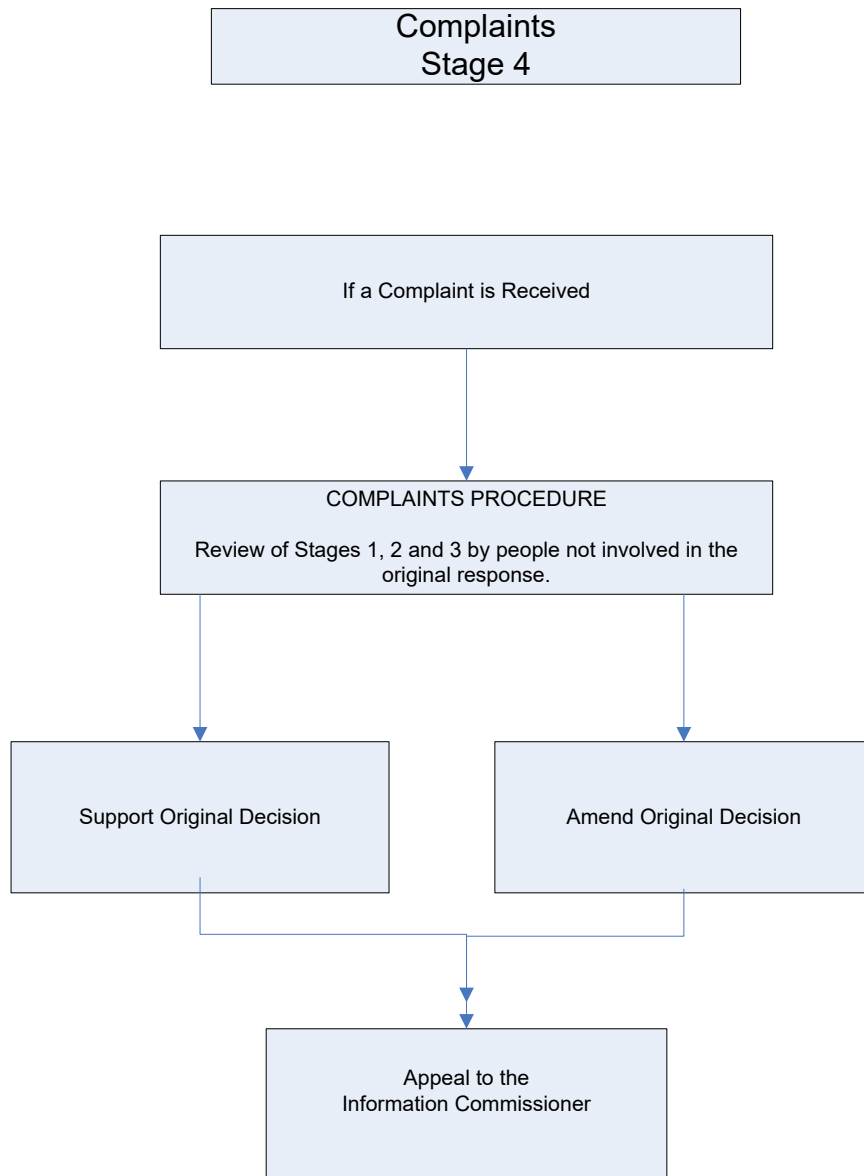
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12. Stage 3 – The Public Interest Test



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13. Stage 4 - Complaints



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14. Additional information

All FOI requests are logged, acknowledged, distributed and completed through the FOI system. All relevant templates have been automatically uploaded onto each stage of the request to provide the requester with FOI number, stages of request, and contents of request and contact details.

1. Log all requests received on to FOI system.
2. Acknowledge Request
All requests should be acknowledged within 48 hours.
3. Distribute Request – allowing 10 days for initial completion of response
Send email to the relevant team;
4. Enter details on FOI Subject Log.
5. If after the 10 day deadline the initial completed response has not been received, send email to SIRO (Director of Finance) to advise response is overdue.
6. Receipt of Information from Relevant Department
Once data received, check the request has been answered in full (if not ask for missing data).

***** Ensure before releasing any policies that the responsible owner has redacted staff information (names and contact details) from the content. This is in line with the trusts Disclosure of Employees contact details to third party guidelines. *****

7. Send to relevant executive director or head of department for 1st sign off
8. Send to SIRO for Final Sign off – once 1st sign off obtained
9. When final sign off has been obtained respond to requestor through FOI system.

PDF any word documents and save excel files as read only.

Where possible the information should be supplied in the format requested by the applicant. However, requests can be met by providing a copy of the original document, a digest/summary of the original or even by allowing the applicant to visit the organisation to read the document(s).

Please see template below for suggested email content.

10. Request will automatically close on FOI system.
11. Publish response on Trust Internet (Disclosure Log)

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12. Update the FOI Subject Log