

## Freedom of Information Act Procedure

The key messages the reader should note about this document are:

1. Sets out the Trust's statutory obligation to provide information under the Freedom of Information Act (2000).
2. Provides a procedural manual for the Trust officers responsible for handling Freedom of Information Act requests to follow.
3. Sets out the obligation of Trust staff to support Freedom of Information Act disclosures when they hold the information requested.
4. Defines our approach to disclosing information and / or applying exemptions to disclosure where they are relevant.
5. Defines the performance monitoring and reporting arrangements for the Freedom of Information process.

This policy/procedure may refer to staff as qualified/registered/professional or other such term to describe their role. These terms have traditionally referred to individuals in a clinical role at band 5 or above. Please note that the use of these terms **may or may not** include nursing associates or associate practitioners (band 4). For clarification on whether a nursing associate or associate practitioner is an appropriate person to take on the identified roles or tasks in this policy/procedure please refer to the job description and job plan for the individual, or local risk assessment.

**DOCUMENT SUMMARY SHEET**

ALL sections of this form must be completed.

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### Amendment detail

Version	Amendment	Reason
0.1	Conversion of existing document into NHSLA format and general review	To reformat to NHSLA standards, and to refresh in the light of changed procedures, documentation and personnel.  To reflect the maturity of FoIA processes in LPFT and produce a document focused on the procedural needs of the FoIA practitioners and to advise staff and requestors.
1.0	Added section 5.17: Re-Use of Public Sector Information Regulations (2005) References to “Director of Corporate Development” to be altered in line with new organisational structure.	Comments from IM&T Governance Committee at ratification 15/04/2010.
1.1	Re-authored into new document template. Public Sector Information Regulations removed Changes to reflect current procedures. Simplification of language to reflect maturity of FoIA processes.	Reached regular review date.
2.0	Ratified	Ratified by Finance & Business Committee.
3.0	Review date reached.	Re-authored into current (2018) template, References to Records Management Code updated. Subject Blind Principle added. Approved & Ratified.
4.0	Review date reached.	Insertion of automated contents page. Removal of references to fax delivery. Agile working arrangements reflected. Job title changes, where appropriate. Minor updates to language. All references reviewed and updated where appropriate.

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## **1. The Freedom of Information Act Procedure**

### **1.1 Executive Summary**

The Freedom of Information Act came into force on 1<sup>st</sup> January 2005. The Act gives a general right of access to information held by public authorities, sets out exemptions from that right and places a number of statutory obligations on the Trust.

Leeds and York Partnership NHS Foundation Trust ('the Trust') has two main duties under the Act:

- We must deal with individual requests from the public, and
- We must have a Publication Scheme, which meets the requirements of the sector-specific Model Publication Scheme – as published by the Information Commissioner's Office.

Any person may make an information request, regardless of age, nationality, or location. A request does not have to mention the Freedom of Information Act, but it must be made in writing.

The Act gives requestors two associated rights:

- To be told whether the information is held by the Trust, and
- To receive the information in the format requested, where possible.

The Trust is obliged to respond to requests within 20 working days under the general right of access, or within 10 working days for information classified as within the scope of the Publication Scheme.

The Procedure forms part of the Trust's Information Governance Framework. It is over-arched by the Trust Information Governance Policy and the Freedom of Information Act (2000).

### **1.2 Description of the Procedure**

The purpose of this Procedure is to facilitate the disclosure of information under the Act by setting out the procedures the Trust will follow when handling requests for information.

It will serve the interests of those requesting information from the Trust by setting out our processes for handling their requests, and serve the Trust by providing instruction to our staff on handling requests under the Act to meet our statutory obligations.

Although the Procedure is primarily aimed at an internal audience, it will also be made available to potential requestors via our website.

### **1.3 Processing Freedom of Information Requests**

## Identifying a Request

Since the Act became law, any request for information received by the Trust comes under the scope of the Act. However given that it would be overly burdensome to process every request through the formalised FoIA route, the following guidelines should demonstrate which requests should be forwarded to the Information Governance team for processing:

The following **ARE NOT** FoIA requests:

- Information released as part of the Trust's normal business process;
- General correspondence that is not a request for information;
- Requests that do not include a delivery address for correspondence (which could be an e-mail or postal address);
- Requests that are not made in writing ('in writing' includes emails, web-based forms, and letters);
- Requests for access to personal information.

**Note:** Reference to fax correspondence have been removed in this iteration of the Procedure, as at the time of writing the NHS is working to end the use of this method of communication, and will generally no longer have the means to receive fax communications. As an extension of this, fax numbers will no longer be advertised as points of contact.

The following **ARE** FoIA requests:

- Originating from the media, politicians, researchers and any other individual member of the public for 'corporate' information;
- Where there is a need to withhold the information requested by applying exemptions under the Act;
- Where the cost of complying would exceed the limit set out in the Fees Regulations that accompany the Act (Currently set at £450, calculated at a rate of £25 per hour – i.e. 18 hours);
- Where a search is made for the information requested and it is found that none is held;
- Where further information is required from the requestor in order to identify and locate the information;
- Where the requestor specifically refers to FoIA when making their request, unless the Act is referenced erroneously.

On the final point, it is worth noting that the Act is often misquoted by requestors, frequently in error relating to Data Protection Act Subject Access Requests, Access to Health Records Act (1990), and other information which falls outside the scope of the Act. Under our general duty to advise and assist requestors, we will process such requests immediately and, where possible, advise alternative approaches.

## Assessing the Request

Within one working day, the recipient of a written request for information must:

- Assess it against the criteria above to establish whether it needs to be formally managed as a Freedom of Information request. If they are in doubt, seek the advice of the Information Governance team;
- If requested to do so, forward the request to the Information Governance team by the method instructed;
- Even if written requests do not need to be formally managed under FoIA, all staff should ensure that any requested information is provided within 20 working days, as since the Act's inception, all public sector bodies are subject to this statutory obligation.

### Where to Send FoIA Requests

Once identified as an FoIA request, these should be sent to the Freedom of Information Officer at the following address:

Freedom of Information Officer  
Leeds & York Partnership NHS Foundation Trust  
1<sup>st</sup> Floor, North Wing, St Marys House  
St Martins View  
LEEDS LS7 3LA

Telephone: 0113 855 9772

Email: [foi.lypft@nhs.net](mailto:foi.lypft@nhs.net)

**Note:** During and beyond the COVID-19 pandemic in 2020/2021, the Trust Information Governance team are now working on an agile basis. All paper correspondence for the Trust Freedom of Information Officer should therefore be **scanned and e-mailed** to the address provided above. E-mail correspondence should be forwarded to that address.

### The 20 Working Day Clock

The Trust has a legal responsibility to respond to requests within 20 working days. The 20 working day clock starts the next working day after the Trust receives the request. A request is considered to be received when it is delivered to the Trust or the FoIA e-mail inbox. Any request received by email should be forwarded immediately to [foi.lypft@nhs.net](mailto:foi.lypft@nhs.net).

'Working Days' are defined as Monday through Friday only and excludes all days recognised as public holidays. The working day should be regarded as being a standard office day, ending at 5pm, regardless of the hours actually worked by the IG team. Requests delivered after 5pm will be regarded as having been delivered on the next working day.

### Logging FoIA Requests

The IG team will maintain an Excel workbook of incoming requests that summarises all requests received. The workbook will create graphical performance data that will be reported to the IG Group on a monthly basis.

Each FoIA request case will be given a unique request identifier using the following naming convention. FoIA case identifiers will take the format: **FOI-1234**. The reference number will be used in all correspondence and filing relating to the request.

The logging workbook will be updated with key information and milestones as the request progresses to completion, for performance monitoring purposes.

### **Upon Receipt by the IG Team**

A new line for the request will be created in the logging workbook, and the next incremental reference number will be allocated.

An acknowledgement will be sent, as follows:

- E-mail requests sent directly to the FoIA inbox will receive an automated e-mail acknowledgement.
- Requests received by letter or via forwarded e-mail will receive a manually generated acknowledgement using a standard template when the requestor asks for acknowledgement.

Where it is perceived that a response can be made near-immediately, the IG team may forgo the acknowledgement letter, although this will be limited to those requests that can be answered within 5 working days.

Should any aspect of the request be unclear, the IG team will seek clarification from the requestor.

They will inform the requestor in writing of any charges, if known, and that no information will be provided unless the charge is paid within three months. This will constitute the issue of a Fees Notice, as described in section 9 of the Act.

If the IG team estimate that the cost of compliance with the request exceeds the limit given in the Fees Regulations (currently £450, equating to 18 hours work) they will notify the requestor in writing of the estimated cost. The requestor will be advised and offered the opportunity to reduce the scope and hence workload of the request. If it is not possible to comply with the request within the appropriate limits then a Fees Notice will be issued.

If the IG team have evidence to demonstrate that the request is vexatious or repeated (as defined under section 14 of the Act) then the procedure for Exemptions or Refusal of Requests will apply.

### **Gathering the Information**



The IG team will identify and contact the person within the Trust who is most appropriately placed to provide the information requested, within 2 working days of receiving the request.

The information holder will be given 5 working days to present the requested information or in the alternative to give reasons why it cannot be provided. If they feel it will take longer than 5 days they should inform the IG team to agree a revised target date.

In the event of complex requests that are likely to exceed the 18 hour ceiling, the IG team will make the information holder aware of this limit and negotiate with both the requestor and the information holder to seek agreement on a way forward.

If the department from whom information has been requested is not the holder of the information, they should inform the IG team immediately so the request can be placed elsewhere.

Once the information has been gathered the information holder should send the information to the IG team.

The IG team will review the information to ensure that the information holder has answered the questions appropriately, and to see whether any exemptions apply and / or charges should be made. If any exemptions are applicable, the Exemptions Procedure will be applied. If a charge is payable, the requestor will be issued with a Fees Notice.

## **Finalising Our Response**

If no exemptions or charges are applicable, the IG team will compile our final response using a standard letter template and forward the completed response to Senior Management for approval. Where a requestor states a preference for either the delivery mechanism or format of the information to be in a prescribed way, this will be honoured wherever practical and possible.

If the IG team determine that it is not reasonable to comply with the preferences stipulated, they will notify the requestor of this. The information will then be provided by such means that the IG team deem reasonable. In the discharge of this function the IG team will have regard to other statutory obligations upon the Trust such as those established under the Equalities Act.

### **1.4 Exemptions**

#### **The Exemptions Procedure**

The Trust has a right to apply exemptions to disclosure when appropriate under the Act. Information will be withheld in circumstances where relevant sections of the Act apply. As a general principle however, the Trust operates an 'open culture' and will always operate the exemptions procedure from the standpoint of 'Disclosure First'.

#### **Absolute Exemptions**

Where exemptions are 'absolute', if information falls within the exemption definition then the Trust is not required to disclose the information.

### **Qualified Exemptions**

Where the exemption is 'qualified', the Trust must apply a Public Interest Test, considering whether the public interest in non-disclosure outweighs the public interest in disclosure. The PIT is specifically so worded so as to weight this test towards disclosure.

When implementing this procedure the IG team are expected to establish:

- When exemptions may need to be applied, and
- Who should be involved in the decision-making processes depending upon the circumstances of the particular case.

The Head of Information Governance, as Freedom of Information Officer, will be available to provide advice and guidance.

### **1.5 Refusal of Requests**

A refusal of a request may apply to all, or part of, the information requested. A request for information may be refused if:

- The information is considered to be exempt from disclosure;
- A charge has not been paid within three months beginning on the day on which the requestor was informed of the charge;
- The cost of compliance exceeds the limit (currently set at £450);
- The request is demonstrably repeated or vexatious.

If a decision is made to refuse a request for information under any of the above clauses, the IG team must inform the requestor in writing of this fact and of the reason(s) why within 20 working days.

If the reason is because the information is exempt, the notification should:

- State that an exemption applies;
- Specify the exemption in question;
- State why the exemption applies.

In addition, in the case of a qualified exemption, the notification should:

- State why it is in the public interest to withhold the information, or
- State why it is in the public interest to refuse to confirm or deny that it even holds the information requested.

The statement should not involve the disclosure of information which itself would be exempt information.

The requestor should be informed of the Trust FOIA appeal procedure and of their right to complain to the Information Commissioner's Office.

## **1.6 Provision of Advice and Assistance to Requestors**

Section 16 of the Act places a legal duty on the Trust to provide advice and assistance to requestors.

When a requestor miss-quotes the Act, attempts to use the Act inappropriately, requests information which we believe is held by another organisation or otherwise makes a request for information which we cannot fulfil, we will attempt to assist the requestor whenever possible, within the limitations of the letter and spirit of the Act and the extent of our knowledge.

## **1.7 Requestor is Unable to Frame Their Request in Writing**

The Trust recognises that the Act may be unintentionally discriminatory in mandating the requirement to submit requests 'in writing'.

Where a requestor is unable to frame their request in writing, the Trust will take reasonable steps to ensure that appropriate assistance is given to enable that individual to make a request. Appropriate assistance might include:

- Advising the person that another person (such as a Citizens Advice Bureau or other provider of information, advice or advocacy) may be able to assist them with the application, or make the application on their behalf, or
- In exceptional circumstances, offering to take a note of the application over the telephone and then send the note to the requestor for confirmation (in which case the written note of the telephone request, once verified by the requestor and returned, would constitute a written request for information and the statutory time limit for reply would begin when the written confirmation was received).

This list is not exhaustive and the IG team will discuss the range of options available to the potential requestor with them, taking account of their circumstances.

## **1.8 Requestor has Provided Insufficient Information to Fulfil their Request**

Where the requestor has not described the information sought in a way that would enable the Trust to identify or locate it, or the request is ambiguous, the IG team will contact them. They will provide assistance to the requestor to enable them to more clearly describe the information requested.

The IG team will take care not to give the requestor the impression that they are obliged to disclose the nature of their interest or that they will be treated differently if they do. It is important that the requestor is contacted as soon as possible by the most expeditious method.

Appropriate assistance in this instance might include:

- Providing an outline of the different kinds of information which might meet the scope of the request;
- Providing, wherever possible, a description of a particular record so that a requestor can decide if the information is appropriate for their needs;
- Providing a general response to the request setting out options for further information which could be provided on request.

This list is not exhaustive and the IG team will be flexible in offering advice and assistance appropriate to the circumstances of the request.

The IG team will disclose any information that has been successfully identified and found for which the Trust does not wish to claim an exemption. Should unresolved queries remain, the IG team will explain to the requestor why the Trust cannot take the request any further and provide details of the appeal procedure and the requestors' right to complain under section 50 of the Act if they still feel dissatisfied following the Trust's review.

The 20 working day time limit is paused until the requestor has provided sufficient information for the Trust to supply them with the information they require. Requests will remain on hold while clarification is sought. Should clarification not be received, the request will be closed, with the case marked as 'void'.

### **1.9 Request Exceeds the Appropriate Limit**

Under section 12(1) and 12(4) of the Act the Trust is not obliged to comply with a request for information if the estimated cost of compliance would exceed the cost ceiling. This is defined as £450, calculated at £25 per person per hour worked on a single request or series of linked requests, giving a limit of 18 hours.

In such circumstances the Trust has a number of options:

- To negotiate with the requestor to reduce the scope of the request;
- To refuse the request on the basis that it exceeds the cost threshold;
- To charge, under section 13 of the Act, for the provision of the information;
- To seek a means by which information could be provided within the cost ceiling.

In the event of a request exceeding the cost ceiling, the IG team will seek a way in which the information can be provided within the cost ceiling. If this is not possible or if the requestor still wishes to pursue their original request, the IG team will ask the requestor whether or not they would be willing to pay the full fees for the information they requested.

If the requestor is willing to pay the fees an estimate will be provided to them. This will constitute a Fees Notice. If the requestor is unwilling to pay the fees the procedure for Exemptions and / or Refusal of a Request will be applied. The requestor will be informed of their rights to appeal under the internal FoIA appeals route and / or to the Information Commissioner's Office.

## 1.10 Vexatious or Repeated Requests

The IG team will not provide assistance to requestors whose requests are vexatious or repeated, as defined by section 14 of the Act.

In such circumstances, the IG team should be able to demonstrate that the request is vexatious or repeated based upon the monitoring data they have collected, or other information relevant to the case.

Whilst the identification of repeated requests will generally be a simple matter of comparison with previous requests, vexatious requests will be identified by a thorough review of the request against the Information Commissioner's Office guidance, which defines 'vexatious' by comparison with a number of indicators.

The intention to apply a section 14 exemption must be discussed with Senior Management with responsibility for Freedom of Information. Should a section 14 exemption be applied, our response will state that the exemption has been applied only after Senior Management review, and that any appeal should be forwarded directly to the Information Commissioners Office.

## 1.11 Requests that Appear to be Part of an Organised Campaign

The Trust may receive a number of apparently related requests. These may be obviously identifiable – e.g. being from the same person but splitting a request into a number of related requests; a number of people within an organisation, identifiable by e-mail address domain or corporate identity, or less overtly identifiable by being ostensibly from disparate sources but having obvious similarities e.g. common terminology, or similar / identically formatted e-mail / correspondence, or attachments for completion which have a very similar or matching style or presentation.

In such circumstances the IG team will consider taking the view that the requests are a 'linked series' and therefore the 'appropriate limit' described above under the section 12 exemption is considered for the series of requests in total.

There may also be occasions when a group of people act 'in concert' to harass the Trust via the sending of numerous and related requests. Where the IG team have reason to believe this is the case, the circumstances will be considered under section 14 of the Act.

## 1.12 Consultation with Third Parties

In some cases the disclosure of information may relate to a third party. Unless an exemption provided for in the Act applies in relation to any particular information, the Trust is obliged to disclose that information in response to a request.

The IG team will however liaise with third parties to seek their views on disclosure, so that:

- The views of the third party may assist the Trust to determine whether an exemption under the Act applies to the information requested, and
- The views of the third party may assist the Trust to determine where the public interest lies.

The IG team may consider that consultation is not appropriate where the cost of consulting with third parties would be disproportionate. In such cases, they will consider what is the most reasonable course of action to take in light of the requirements of the Act and the individual circumstances of the request.

Consultation will be unnecessary where:

- The Trust does not intend to disclose the information relying on legitimate grounds under the Act;
- The views of the third party can have no effect on the decision of the Trust, for example, where there is other legislation preventing or requiring the disclosure of this information;
- No exemption applies and so under the Act's provisions the information must be provided;
- The identities of public sector employees acting in their professional capacity are disclosable under FoIA, and colleagues should be aware of their visibility under FoIA.

The fact that a third party has not responded to consultation does not relieve the Trust of its duty to disclose information under the Act, or its duty to reply within the time specified in the Act.

In all cases, it is for the Trust, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Act. A refusal to consent to disclosure by a third party does not, in itself, mean the information should be withheld.

A record will be kept of all contacts with third parties and their representatives in regard to consultations and decision-making in the disclosure of information.

### **1.13 Charges and Fees**

The Trust will levy fees in accordance with the Fees Regulations made under the Act in respect of requests made under the general right of access.

The Fees Regulations do not apply:

- To material in scope of the model publication scheme;
- To information which is reasonably accessible to the requestor by other means within the meaning of the exemption provided at section 21;
- Where provision is made by or under any other enactment as to the fee that may be charged by the public authority for the disclosure of the information.

The Act allows the Trust to decline to comply with requests on the grounds of cost, where they exceed the appropriate limit specified in the Fees Regulations. For the Trust this limit is set at £450.

When calculating whether answering a request would exceed the appropriate limit, the Trust will take into account the costs involved in the following activities:

- Determining whether it holds the information;
- Locating the information, or a document which may contain the information;
- Retrieving the information, or a document which may contain the information;
- Extracting the information from a document containing it (i.e. editing it).

Where the costs are attributable to people undertaking these activities on behalf of the Trust, the Fees Regulations require these to be estimated at a cost of £25 an hour. Given the ceiling of £450, this equates to 18 hours of work as above.

Where two or more requests are made to the Trust by one person, or by different people who appear to the Trust to be acting in concert or in pursuance of a campaign, the estimated cost of complying with the requests is taken to be the total costs of complying with all of them.

According to the Fees Regulations, this applies in circumstances where:

- The two or more requests relate, to any extent, to the same or similar information, and
- Those requests are received by the Trust within any period of sixty consecutive working days.

With regard to communicating the information to the requestor, the Trust may take into account, and charge for, the cost of:

- Giving effect to the requestor's wishes on the form in which they wish to receive the information;
- Reproducing any document containing the information, for example, through the provision of photocopies;
- Postage and other forms of transmitting the information.

The IG team will, when appropriate, guide requestors to alternative delivery methods, in particular e-mail, which is a cost-free delivery method.

If a Fees Notice has been issued to a requestor the 'clock' stops in regard to compliance with the twenty working day timescale. Once a requestor has paid their charges, the 'clock' starts again, from the point within the twenty working days that it stopped. The requestor will then be provided with the information they requested.

Requestors will have three months beginning on the day on which they were sent the Fees Notice to pay the charge.

## 1.14 Complaints and Feedback

Feedback about the discharge of duties of the Trust in regard to the Act should be forwarded to the IG team.

All complaints must be referred immediately to Senior Management, and in the first instance to the Head of Information Governance. Complainants will be informed of their right to complain directly to the Information Commissioner's Office if they remain dissatisfied with the Trust after using the stated FoIA complaints procedure.

Any correspondence, decision notices etc., which the Trust receives from the Information Commissioners Office in respect of FoIA will be reported immediately to the member of the Executive Team with responsibility for Freedom of Information.

Given the need for Senior Management escalation, the Trust undertakes to address FoIA complaints within 40 working days.

## 1.15 FoIA Reporting to the Information Governance Group

The IG team will prepare a monthly report to the Information Governance Group, including the following:

- Number of requests processed in this reporting period
- Details of any exemptions applied
- Graphical representation of FoIA workload
- Graphical representation of FoIA performance against timescales
- Graphical representation of FoIA exemptions

This report will be provided to the IG Group as part of the 'For Information' section of the agenda and will therefore be discussed in detail by exception only, with discussion on relevant topics when matters arise.

Reporting will be escalated to the Finance & Performance Committee.

## 1.16 Publication Scheme

The Trust is mandated by the Act to operate a Publication Scheme.

The Information Commissioner's Office produces sector-specific model publication schemes and we align our publication scheme to the healthcare model.

In the main, and wherever possible, we will make available documents, publications and information in the classes indicated in the model scheme via the Trust public-facing website. As coverage of all classes of information required by the scheme may not be complete at any given time, the Trust will also respond appropriately to requests for information under the publication scheme in a timely manner.



When a request for information is identified as requiring material that falls within the scope of the publication scheme, the IG team will endeavour to fulfil such requests within 10 working days.

The IG team will liaise with the Trust communications team to ensure that our obligations under the Act in respect of the publication scheme are met and that FoIA requirements continue to feature in the Trust communications strategy.

### **1.17 Liaison with the Trust Communications Team**

Whilst the IG team are aware of and operate within the 'subject blind' principles of the Act, they are also aware that FoIA is used as a research tool by the Press, political researchers, pressure groups and other similar bodies, some of whom have identified themselves in making their request.

Information disclosed under the Freedom of Information Act may have reputational impact (positive and negative) on the Trust, and the IG team will maintain a close working relationship with the communications team and make them aware of relevant enquiries, who will in turn advise the Trust Executive Team and Board.

The communications team will facilitate public requests for information by advertising the FoIA e-mail inbox & postal address for requests.

The communications team will host this procedure on the public facing website to inform requestors of our FoIA procedure.

### **1.18 Record Keeping, Retention and Disposal**

The IG team will maintain records for Freedom of Information Act cases according to the NHS Records Management Code of Practice (2021) or any future revision of the Code.

Specifically this will include (at the time of writing):-

- Retention of case files for 3 years, or
- Retention of case files for 6 years if the request was appealed / disputed.

### **1.19 The 'Subject Blind' Principle**

The Freedom of Information Act is based on 'Subject Blind', or to be strictly accurate, 'Purpose & Applicant Blind' principles. In practical terms this means that:-

- Everybody has a right to access official information;
- Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by the Act;
- An applicant (requestor) does not need to give us a reason for wanting the information;

- We must treat all requests for information equally, except under some circumstances relating to repeated or vexatious requests and personal data;
- The information someone can access under the Act should not be affected by who they are;
- We should treat all requestors equally, whether they are journalists, local residents, public authority employees, or foreign researchers;
- Because we should treat all requestors equally, we should only disclose information under the Act if we would disclose it to anyone else who asked. In other words, we should consider any information we release to **anyone** as if we were releasing it to **everyone**.

Our processing of Freedom of Information Act requests is therefore simply that – a process – a process that is in no way influenced by our knowledge of the identity or intent of the requestor, unless the identity or intent necessarily engages an exemption under the Act.

Exemptions notwithstanding, we must discharge our duties under the Act without prejudice to the identity or intent of the requestor.

## 2 Appendices

None.

## PART B

### 3 IDENTIFICATION OF STAKEHOLDERS

The table below should be used as a summary. List those involved in development, consultation, approval and ratification processes.

Stakeholder	Level of involvement
Head of Information Governance	Author / Subject Matter Expert
Information Governance Group	Consultation
Staffside Representatives	Consultation
Information Governance Group	Approval
Policy & Procedure Group	Ratification

### 4 REFERENCES, EVIDENCE BASE

The Freedom of Information Act (2000)

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000036\\_en\\_1](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000036_en_1)

Information Commissioners Office FoIA website:

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

Section 45 – Ministry of Justice FoIA Code of Practice:

[Freedom of Information Code of Practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422222/freedom-of-information-code-of-practice-2014.pdf)

NHS Records Management Code of Practice (2021)

[Records Management Code of Practice - NHSX](https://www.nhs.uk/records-management/code-of-practice/)

### 5 ASSOCIATED DOCUMENTATION (if relevant)

IG-0001 – Information Governance Policy

### 6 STANDARDS/KEY PERFORMANCE INDICATORS (if relevant)

Requests completed within 20 working days	<b>100%</b>
Review / Complaints / Challenges received	<b>Zero</b>
ICO decision notices / other action	<b>Zero</b>

Reporting and monitoring of KPIs will be via monthly report to the IG Group.

## 7. EQUALITY IMPACT

The Trust has a duty under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. Consideration must be given to any potential impacts that the application of this policy/procedure might have on these requirements and on the nine protected groups identified by the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation).

Declaration: The potential impacts on the application of this policy/procedure have been fully considered for all nine protected groups. Through this process I have not identified any potential negative impacts for any of the nine protected groups.

**Note:** Although the Freedom of Information Act (2000) is sometimes described as 'unintentionally discriminatory' in its requirement for requests to be submitted in writing (which may be a barrier to those unable to submit a written request), we have maintained a stated willingness to offer of support requestors to take a verbally dictated request and then have this approved by them. This aligns to our duty to advise and assist requestors under the Act.

Print name: Carl Starbuck

Job title: Information & Knowledge Manager

Date: 31<sup>st</sup> August 2021

If any potential negative impacts are identified the Diversity Team must be contacted for advice and guidance: email; [diversity.lypft@nhs.net](mailto:diversity.lypft@nhs.net).

**CHECKLIST**

To be completed and attached to any draft version of a procedural document when submitted to the appropriate group/committee to support its consideration and approval/ratification of the procedural document.

This checklist is part of the working papers.

	Title of document being newly created / reviewed:	Yes / No/
<b>1.</b>	<b>Title</b>	
	Is the title clear and unambiguous?	✓
	Is the procedural document in the correct format and style?	✓
<b>2.</b>	<b>Development Process</b>	
	Is there evidence of reasonable attempts to ensure relevant expertise has been used?	✓
<b>3.</b>	<b>Content</b>	
	Is the Purpose of the document clear?	✓
<b>5.</b>	<b>Approval</b>	
	Does the document identify which committee/group will approve it?	✓
<b>6.</b>	<b>Equality Impact Assessment</b>	
	Has the declaration been completed?	✓
<b>7.</b>	<b>Review Date</b>	
	Is the review date identified?	✓
	Is the frequency of review identified and acceptable?	✓
<b>8.</b>	<b>Overall Responsibility for the Document</b>	
	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	✓

**Name of the Chair of the Committee / Group approving**

If you are assured this document meets requirements and that it will provide an essential element in ensuring a safe and effective workforce, please sign and date below and forward to the chair of the committee/group where it will be ratified.

Name	<i>Carl Starbuck</i>	Date	<i>23<sup>rd</sup> September 2021</i>
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**Name of the chair of the Group/Committee ratifying**

If you are assured that the group or committee approving this procedural document have fulfilled its obligation please sign and date it and return to the procedural document author who will ensure the document is disseminated and uploaded onto Staffnet.

Name	<i>Cath Hill</i>	Date	<i>27<sup>th</sup> October 2021</i>
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