

FREEDOM OF INFORMATION ACT (2000) ANNUAL REPORT 2015-16

Report

1. Introduction

- 1.1 The report provides an overview of the work undertaken during the financial year 2015-16 in meeting the requirements of the Freedom of Information Act (2000).
- 1.2 The Freedom of Information Act (2000) provides access to information held by public authorities. This is delivered in two ways:
- Public authorities are obliged to publish certain information about their activities through a Publication Scheme usually on their website.
 - Members of the public are entitled to request information from public authorities.
- 1.3 The Act covers any recorded information that is held by a public authority in the UK, including printed documentations, computer files, letters, email, photographs, sound, or video recordings. Printed documentation can be either handwritten or electronic.
- 1.4 The Act does not give people access to their own personal data such as their health records. However these may be requested under "Subject Access Requests" under the Data Protection Act.
- 1.5 The Trust has a legal duty to reply to any request made under the Act within 20 working days counting from the first working day after the request is received. Anyone, anywhere in the world can make a request under the Act.
- 1.6 The Trust can refuse to reply to the request as long as it can justify the reason based on 23 exemptions outlined in the Act. The Information Commissioner's Office can receive complaints from any of the requesters if they feel that the Trust has not complied appropriately with the Act and could lead to formal proceedings being taken against the Trust.

2. Process for dealing with FOIs

- 2.1 The following process is in place for dealing with FOI requests:
- All FOI requests received by the Trust are acknowledged and logged within 48 hours
 - Staff members are identified to supply the information and are given 10 working days to collect the data.
 - The Corporate Services Manager drafts a response ensuring that the Act is interpreted appropriately.
 - All responses are approved by the relevant senior manager before being sent.

3. FOI Performance for the financial year (April 2015 – March 2016)

- 3.1 The total number of information requests received under the Freedom of Information Act between 1 April – 31 March 2015 was **280**. All requesters received a response. **97%** of requests were dealt with within the statutory timeframe of 20 working days. An overview is provided in Table 1 below.

Table 1

	Total no of requests received	Requests dealt with within 20 days	Requests outside of 20 days	Percentage on time
Apr – Jun (Q1)	69	69	0	100%
Jul – Sep (Q2)	74	73	1	98%
Oct – Dec (Q3)	47	44	3	94%

Jan – Mar (Q4)	90	86	4	95%
Total	280	272	8	97%

During the previous year (2014-15) the Trust received a total of 263 requests. 95% of responses were sent within the 20-day timescale.

3.2 Category of Requesters

3.2.1 Table 2 lists the number of requests by category of requester. Requests for information came from a variety of sources and mainly via email. Requesters have an obligation to provide their name and address under the Act. (An email address is acceptable). Whilst some requesters provide their full address or the name of their organisation, the majority only provide a name and an email address. These are listed as “private” in the table below.

Table 2

Category of Requesters	Number of requests received each quarter				Total per category
	Q1 Apr-Jun	Q2 Jul-Sep	Q3 Oct-Dec	Q4 Jan-Mar	
Private	26	28	10	25	89
Media	10	10	10	19	49
Commercial organisations	6	14	6	15	41
Websites dedicated to FOI requests	7	9	5	11	32
Voluntary Organisations/Campaign Groups/Unions	5	4	6	6	21
Students/Academic institutions	6	2	6	4	18
NHS	3	5	1	5	14
Members of the Public	6	1	1	2	10
Members of Parliament	0	0	2	3	5
Staff	0	1	0	0	1
Total:	69	74	47	90	280

The majority of requests, as in the previous year, continue to be from individuals or organisations classed as “private”.

3.3 Types of information requested

3.3.1 The subject matter of FOI requests varied considerably and it is difficult to accurately summarise these other than by very broad categories. Table 3 below provides a breakdown of requests received per quarter. It is also often the case that one request would have multiple elements/subject; however for recording purposes, the main subject is used.

Table 3

Category of Requests	Category of requests by each quarter				Total per category
	Q1 Apr-Jun	Q2 Jul-Sep	Q3 Oct-Dec	Q4 Jan-Mar	
Clinical Information	13	13	12	20	58
Workforce	12	15	7	19	53
Information Technology	14	8	8	4	34
Finance - Agency Spend	8	11	4	11	34
Patient Safety	3	4	5	11	23
CAMHs	6	2	2	8	18

Estates and Facilities	3	11	3	1	18
Finance	2	6	2	8	18
Corporate Information	4	3	4	5	16
Communications	2	1	0	1	4
Out of Area Placements	1	0	0	2	3
Pharmacy	1	0	0	0	1
Total	69	74	47	90	280

3.3.2 Whilst these are very broad categories, most of the information requested relates to clinical information and statistics, for example waiting times for treatment, and numbers of referrals within any given period.

Current affairs items are also requested. For instance, there was an increase in the number of requests around patient safety during quarter 4, following news coverage of unexpected deaths at the end of 2015. There has been a steady increase in the requests relating to CAMHs following news coverage of children's mental health.

Another subject which is requested frequently is the Trust's spend on agency staff. In order to respond to these requests more effectively and within the resources available, the Trust's agency spend is published in the finance section of the website.

3.4 Internal Reviews and Complaints

3.4.1 One requester was not satisfied with their response and wrote back to seek an internal review. The Trust reviewed the information provided and the request was resolved.

There were no complaints received by the ICO during the 2015-16 financial year. However, an unresolved complaint to the ICO in 2014-15 financial year was resolved by a First Tier Tribunal Hearing during March 2016.

3.5 Exemptions

3.5.1 Disclosure of some of the information requested under the Act may be refused for one of if the information falls under one or more of the 23 exemptions in the Act such as:

- The cost of processing the request would exceed the appropriate limit set, which is £450 for NHS organisations. This is calculated £25.00 per hour and a limit of 18 man-hours.
- The request is considered to be repeated or vexatious.

3.5.2 A total of 110 exemptions were applied during the year, see table 3 below.

Table 3

More than one exemption can be used within a single request due to requests having multiple strands/requests and therefore it has not been possible to accurately make comparisons with the number of requests received.

Exemption	Description	Number of times applied	Reason
Section 1	Section 1(1)(a) of the Act requires the public authority to determine whether the information is held	47	Information is not recorded by the Trust

Section 12	The request would exceed the cost limit as defined by the Act.	26	Locating and retrieving the information would exceed the cost limit
Section 21	Information accessible to applicant by other means	20	Already published as part of the Trust Publication Scheme on the Trust website
Section 22	Information intended for future publication	6	Documents in draft form that will be published in the near future
Section 40	Personal information	3	Personal data within the meaning of the Data Protection Act 1998
Section 43	Commercial interests	8	Disclosure could prejudice the commercial interests of the Trust or a third party

3.6 Fees

3.6.1 The fee regulations of the Act indicate that an appropriate limit for processing a request is £450 for NHS organisations. Trusts can charge this fee if they can demonstrate that the cost of processing a request will exceed this limit. In some cases communication costs can also be recovered, such as for photocopying, printing and postage. There were no requests during the year where the Trust was required to recover fees.

3.7 Repeated or Vexatious Requests

3.7.1 There were no requests that were considered as repeated or vexatious during the year.

4. Model Publication Scheme

4.1 The ICO reviewed and revised its publication scheme in June 2014 and expects organisations to keep their publication schemes up to date in order to comply with their legal duties under FOIA.

4.2 The Trust continues to review and revise the content of its publication scheme on the website in line with the revised publication scheme as well as targeting the information on the website in line with requests received via the Act.

5. Monitoring of FOI Requests

5.1 The Trust's Information Governance Forum continues to meet every two months and is chaired by the Chief Information Officer, who is the Trust's Senior Information Risk Officer (SIRO). The IG Forum oversees the following regarding delivery of the FOI Act.

- Review of the Trust's FOI performance
- Review of staff awareness regarding FOIs
- Review of any reports to the Trust Board
- Review of the Trust Model Publication Scheme
- Review of the assurance required to meet the requirements of the IG Toolkit

Implications

6. Budgetary / Financial Implications

- 6.1 Failure to comply with the FOI Act 2000 could lead to complaints to the Information Commissioner's Office who can impose sanctions on the Trust, including monetary penalties.

7. Risk Management

- 7.1 Failure to comply with the FOI Act 2000 could lead to complaints being made against the Trust to the Information Commissioner's Office. The ICO could monitor the Trust for compliance.

8. Equality and Diversity Implications

- 8.1 None.