

FREEDOM OF INFORMATION ACT (2000) ANNUAL REPORT 2017-18

Report

1. Introduction

- 1.1 The report provides an overview of the work undertaken during the financial year 2017-18 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 2018.
- 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. 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
- 1.6 The ICO has a general duty to investigate complaints from members of the public if they believe that the Trust has failed to respond correctly to a request for information. The ICO's complaints handling process provides the Trust with an opportunity to reconsider the request without the ICO taking any formal action.

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 disclosed

3. FOI Performance for the financial year (April 2017 – March 2018)

- 3.1 The total number of information requests received under the Freedom of Information Act between 1 April 2017 - 31 March 2018 was 372.

97% of requests were dealt with within the statutory timeframe of 20 working days. An overview is provided in Table 1.

During the previous year (2016-17) the Trust received a total of 388 requests. 95% of responses were sent within the 20-day timescale.

The ICO has uses a threshold figure of 90% for monitoring FOI compliance, ie if a public authority failed to respond to 90% or more of the information requests it received within the

statutory deadlines it would be monitored. The Trust has been consistently meeting the ICO's compliance rate as shown in Table 1 below.

Table 1

1 April 2017 – 31 March 2018	Total no of requests received	Requests dealt with within 20 days	Requests outside of 20 days	Percentage on time
Apr – Jun (Q1)	78	75	3	96%
Jul – Sep (Q2)	104	102	2	98%
Oct – Dec (Q3)	91	90	1	98%
Jan – Mar (Q4)	99	95	4	96%
Total	372	362	10	97%

3.2 Category of Requesters

3.2.1 Table 2 lists the number of requests by category of requester. Requests for information were usually received by email and came from a variety of sources. 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	27	30	33	30	120
Commercial organisations	19	27	20	19	85
Media	17	12	12	18	59
Websites dedicated to FOI requests	4	8	3	8	23
Voluntary Organisations/ Campaign Groups/Unions	4	5	2	1	12
Members of the Public	1	6	8	13	28
Students/Academic institutions	2	4	6	6	18
NHS	3	5	6	4	18
Government/MPs	1	7	1	0	9
Total:	78	104	91	99	372

The majority of requests, as in previous years, continue to be from individuals or organisations classed as “private”, followed by commercial organisations and the media.

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					Totals
	Q1 Apr- Jun	Q2 Jul-Sep	Q3 Oct- Dec	Q4 Jan-Mar	
Clinical Information	25	29	35	36	125
Information Technology/ Governance	7	19	18	9	53
Workforce	8	10	18	15	51
Patient Safety	4	8	5	12	29
Environmental Information Regulations (EIR)	2	5	1	2	10
Agency Spend	7	6	2	5	20
Finance	5	10	0	4	19
Corporate/Communications	10	8	3	7	28
Pharmacy	2	3	7	4	16
Procurement	8	6	2	5	21
Total	78	104	91	99	372

3.3.2 Whilst these are very broad categories, most of the information requested relates to clinical information , Workforce and IT related issues which is consistent to last year's figures.

3.4 Internal Reviews and Complaints

3.4.1 Three requesters were not satisfied with their responses and sought internal reviews. The Trust reviewed the information provided and the requests were resolved informally.

There were no new complaints made to the ICO during the 2017-18 financial year.

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

During the year the Trust applied a total of 198 exemptions and these are outlined in Talel 4 below.

Table 4

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	77	Information is not recorded by the Trust
Section 12	The request would exceed the cost limit as defined by the Act.	32	Locating, extracting and retrieving the information would exceed the cost limit
Section 21	Information accessible to applicant by other means	55	Already published as part of the Trust Publication Scheme on the Trust website
Section 22	Information intended for	9	Documents in draft form that will be

	future publication		published in the near future
Section 31	Law Enforcement	3	This relates to the prevention or detection of crime, and can protect information on a public authority's systems which would make it more vulnerable to crime.
Section 40	Personal information	13	Personal data within the meaning of the Data Protection Act 1998
Section 43(2)	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 was one request which was considered to be vexatious and a final warning under section 14 was issued.

4. Model Publication Scheme

4.1 The Trust continues to review and revise the content of its publication scheme on the website in line with the ICO's 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. 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.