

# FREEDOM OF INFORMATION ACT (2000) ANNUAL REPORT 2018-19

## Report

### 1. Introduction

- 1.1 This report provides an overview of the work undertaken during the financial year 2018-19 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 via "Subject Access Requests" under the Data Protection Act 2018.
- 1.5 All FOI requests received by the Trust are acknowledged and logged within 2 working days.
- 1.6 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.
- 1.7 The Information Commissioner's Office (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. FOI Performance for the financial year (April 2018 – March 2019)

- 2.1 The total number of information requests received under the Freedom of Information Act between 1 April 2018 - 31 March 2019 was 446.

96% of requests were dealt with within the statutory timeframe of 20 working days. An overview is provided in Table 1.

During the previous year (2017-18) the Trust received a total of 372 requests. 97% of responses were sent within the 20-day timescale.

The ICO uses a threshold figure of 90% for monitoring FOI compliance, i.e. it expects public authorities to respond to at least 90% of requests on time. Despite an increase of 20% in the number of requests over the previous year the Trust has continued to maintain a consistently high percentage response rate as shown in Table 1 below.

Table 1

1 April 2018 – 31 March 2019	Total no of requests received	Requests dealt with within 20 days	Requests outside of 20 days	Percentage on time
Apr – Jun (Q1)	106	104	2	98%
Jul – Sep (Q2)	107	99	8	93%
Oct – Dec (Q3)	100	99	1	99%
Jan – Mar (Q4)	133	127	6	95%
<b>Total</b>	<b>446</b>	<b>429</b>	<b>17</b>	<b>96%</b>

## 2.2 Category of Requesters

2.2.1 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	40	48	34	55	177
Commercial organisations	18	23	23	26	90
Media	9	14	13	19	55
Websites dedicated to FOI requests	7	4	8	10	29
Voluntary Organisations/ Campaign Groups/Unions	4	3	2	5	14
Members of the Public	10	7	1	0	18
Students/Academic institutions	6	1	6	7	20
NHS	9	5	8	4	26
Government/MPs	3	2	5	7	17
<b>Total:</b>	<b>106</b>	<b>107</b>	<b>100</b>	<b>133</b>	<b>446</b>

2.2.2 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.

## 2.3 Types of information requested

2.3.1 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	Q1 Apr-Jun	Q2 Jul-Sep	Q3 Oct-Dec	Q4 Jan-Mar	Totals
	Clinical Information	31	35	33	31
Information Technology/ Governance	20	17	16	24	77
Workforce	26	26	11	29	92
Patient Safety	4	4	9	9	26
Environmental Information Regulations (EIR)	4	3	2	1	10

Finance / Procurement	13	12	19	25	69
Corporate/Communications	8	10	10	14	42
<b>Total</b>	<b>106</b>	<b>107</b>	<b>100</b>	<b>133</b>	<b>446</b>

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

## 2.4 Internal Reviews and Complaints

2.4.1 One requester was not satisfied with their response and sought an internal review in August 2018. The Trust reviewed the information provided and the requester thereafter made a complaint to the ICO which was not upheld. The Commissioner's decision was that the trust had correctly responded to the request.

2.4.2 One requester made a complaint directly to the ICO in December 2018 which had not previously been received as an FOI request. This was dealt with and resolved informally.

## 2.5 Exemptions

2.5.1 Disclosure of some of the information requested under the Act may be refused 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. Therefore it has not been possible to accurately make comparisons with the number of requests received.

During the year the Trust applied a total of 271 exemptions and these are outlined in Table 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	118	Information is not recorded by the Trust
Section 8	Valid Name	1	Full name not provided which is a requirement under the Act
Section 12	The request would exceed the cost limit as defined by the Act.	63	Locating, extracting and retrieving the information would exceed the cost limit
Section 21	Information accessible to applicant by other means	40	Already published as part of the Trust Publication Scheme on the Trust website
Section 22	Information intended for future publication	4	Documents in draft form that will be published in the near future
Section 31	Law Enforcement	4	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 38	Health and Safety	1	To protect patients, their safety and their personal data

Section 40	Personal information	33	Personal data within the meaning of the Data Protection Act 2018
Section 41	Information provided in confidence	1	Under the terms of the license agreement disclosure would constitute a breach of confidence actionable by the provider
Section 42	Legal professional privilege	1	Confidential communications with lawyers
Section 43(2)	Commercial interests	5	Disclosure could prejudice the commercial interests of the Trust or a third party

## 2.6 Fees

2.6.1 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.

## 2.7 Repeated or Vexatious Requests

2.7.1 There were no requests which were considered to be vexatious during the year.

## 3. Model Publication Scheme

3.1 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.

## 4. Monitoring of FOI Requests

4.1 The Trust's Information Governance (IG) 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 needed to meet the requirements of the IG Toolkit