

Freedom of Information Act Policy

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Contents		Page
Paragraph	Executive Summary	2
1	Introduction, Scope and Purpose, Definitions	2
2	Related Trust Policies	3
3	Roles and Responsibilities	3
4	Publication Scheme	4
5	Receiving and responding to requests	5
6	Exemptions	5
7	Refusal of requests	7
8	Release of Trust employee names and details	7
9	Consultation with third parties	8
10	Public sector contracts	8
11	Records management	8
12	Implementation	8
13	Process for Monitoring Compliance/Effectiveness of this Policy	9
14	Arrangements for Review of this Policy	9
15	References	9

Appendices		Page
Appendix A	FOI procedures at UHS	10
Appendix B	Exemptions provided under the Act	17
Appendix C	“How to request a review”	19
Appendix D	Charging scheme for requested information	20

Document Status

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Executive Summary

The Freedom of Information Act 2000 (“the Act”) came into force in 2005. It is a legal requirement that the Trust, along with all other public authorities, must comply with.

All staff should be aware of their duties under the Act and should assist the FOI Officer when asked. Any member of staff could be asked for information.

The Act applies to all information (excluding personal records) held by, or on behalf of, the Trust. This includes both current and archived information. The Data Protection Act 1998 (“the DPA”) still applies to Subject Access Requests for access to health records, and other person-identifiable information.

The Act gives anyone the right to make a written request for information. The Act gives a general right of access to recorded information held by the Trust, subject to certain conditions and exemptions contained in the Act.

Any person making a request in writing to the Trust for information is entitled:

- To be informed in writing whether the Trust holds the information described in the request (this is referred to as ‘the duty to confirm or deny’) and
- If the Trust does hold the information, to have that information communicated to them unless one of the exemptions to disclosure within the Act applies.

The Act is enforced and overseen by the Information Commissioner’s Office (ICO).

The Trust IG officer coordinates the Trust’s responses to requests made under the Act.

1.0 Introduction, Scope and Purpose

1.1 The Freedom of Information Act Policy is a statement of the Trust’s responsibilities under the Freedom of Information Act 2000 (“the Act”), and how the Trust ensures compliance with the Act, including procedures staff should follow if they receive a request for information.

The Trust supports the principle that openness and not secrecy should be the norm in public life. The Trust wishes to create a climate of openness and trust with the public. Improved access to information about the Trust will facilitate the development of such an environment.

1.2 Scope

This policy applies to all Trust staff and relates to the procedure in place at UHS for dealing with requests under the Act. This excludes requests for personal data, which will continue to be dealt with under the Data Protection Act (see Policy and Procedure for Access to Personal Records).

The procedures within this policy refer to Freedom of Information (FOI), but will also be applied to any requests made for environmental information which may be treated under the Environmental Information Regulations (EIRs). The minor differences between FOI and EIRs will be taken into account by the IG Officer when processing the request.

1.3 Purpose

- To ensure the Trust complies with the Act
- To ensure all Trust staff are aware of their responsibilities under the Act
- To outline the Trust procedure in responding to a request under the Act

1.4 Definitions

Data Protection Act (1998) (“the DPA”)

An Act of Parliament which defines the UK law on the processing of data of living persons. The DPA defines eight data protection principles and is the main legislation governing the protection of personal data in the UK.

Environmental Information Regulations (2004) (EIRs)

Statute which came into force in 2005 and gives the right of access to environmental information held by public authorities.

Exemptions

Conditions which may be applied in circumstances in which requested data may be withheld from disclosure. There are two types of exemption: absolute and qualified.

Absolute exemptions: exemptions that do not require a public interest test to be undertaken.

Qualified exemptions: exemptions which require a public interest test to be completed before they are applied.

Freedom of Information (FOI) Act (2000) (“the Act”): An Act of Parliament which came into force in 2005. The Act gives the public the “right to know” and allows them to request any information held by the Trust.

Information Commissioner’s Office (ICO): An independent regulatory office reporting directly to Parliament and overseeing the DPA, the FOI Act, and the EIRs. The Information Commissioner is appointed by the Crown.

Public Interest Test: A public interest test must be applied when the use of a qualified exemption is proposed. The factors for and against the disclosure of requested information are considered. In order to apply the exemption, the factors against disclosure must be seen to outweigh the factors for disclosure.

Publication Scheme: A list of information the ICO expects public authorities to regularly publish. All public authorities are required to produce and maintain a Publication Scheme.

2.0 Related Trust Policies

- Trust Data Protection and Confidentiality policy
- Trust Records Management policy
- Trust Policy and Procedure for Access to Personal Records

3.0 Roles and Responsibilities

3.1 All Trust staff are required to comply with the Act. All staff should be able to recognise and respond to requests for information and should assist the Trust IG officer if asked for assistance or information.

- 3.2** Failure to assist may result in the Trust failing to comply with the requirement of the Act, which may lead to complaints and ultimately an investigation by the Information Commissioner. If staff do not provide a response in a timely manner the matter will be escalated to their relevant manager or Director.
- 3.3** Non-compliance with a Trust policy, Procedure, PGD, protocol or patient information standard may result in disciplinary action.
- 3.4** The **Trust Chief Executive** has overall responsibility for compliance with the Act.
- 3.5** Executive lead responsibility for FOI is delegated to the **Director of Transformation and Improvement**, who will bring to Trust Board attention any FOI issues requiring their consideration.
- 3.6** The **Director of Informatics** and the **Associate Director of Corporate Affairs** will be responsible for undertaking internal reviews resulting from complaints and appeals. Complex complaints and appeals, and performance and compliance reports on FOI activity will be considered by the IGSG.
- 3.7** The **Trust IG Manager** is responsible for the overall management of FOI policy and procedure.
- 3.8** The **Trust IG Officer** is responsible for the day to day routine management of FOI requests and procedures and maintenance of the Trust publication scheme. The IG officer will maintain appropriate performance statistics on FOI activity and submit regular reports to the IGSG.
- 4.0 Publication Scheme**
- 4.1** The publication scheme is a legal requirement of the Act, and encourages the proactive and routine publication of information by the Trust.
- 4.2** The ICO publication scheme template lists information that the ICO would expect a public authority to make available.
- 4.3** The Trust's publication scheme is available via the Trust's public website (in the Freedom of Information section (at www.uhs.nhs.uk) and is maintained by the IG officer.
- 4.4** Section 102 of the Protection of Freedoms Act 2012 adds new provisions to FOIA (in particular sections 11 and 19) regarding datasets. A data set is a collection of factual information in electronic form to do with the services and functions of the authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered. Further guidance can be found on the ICO website: <https://ico.org.uk/media/for-organisations/documents/1151/datasets-foi-guidance.pdf>.
- The Trust will as part of its Publication Scheme routinely make available datasets necessary to fulfil all legal and regulatory obligations.
- 4.5** The re-use of information that the Trust has chosen to publish via its publication scheme, unless otherwise specified is made available under the Open Government Licence Version 2: <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>.

5.0 Receiving and responding to requests

- 5.1** **Appendix A** sets out the Trust's procedures for responding to requests under the Act, including a summary flowchart detailing what Trust employees should do if they receive an FOI request in their department, or if they are contacted by the IG Officer. All Trust employees should familiarise themselves with the information in **Appendix A**.
- 5.2** The Trust will ensure it meets the duty of a public authority to provide advice and assistance (as set out in Section 16) to persons who propose to make, or have made, requests for information.
- 5.3** Under the Act, the Trust has a duty "to confirm or deny". In the vast majority of cases, the Trust must either confirm or deny whether the information described in an FOI request is held. Failure to do meet this duty may result in an investigation and regulatory action by the ICO.
- 5.4** The Trust may not have to comply with a request if it falls under an exemption allowed for in the Act. See 6.0.
- 5.5** Information provided by the Trust in response to a request under the Act remains copyrighted and can only be used for the applicant's personal use or for other specific uses permitted in the Copyright, Designs and Patents Act 1988.
- 5.6** If an applicant wishes to use information provided by the Trust for commercial purposes (including the sale of the information to a third party) they must seek written permission from the Trust under the Regulation on the Re-use of Public Sector Information Regulations 2005.

6.0 Exemptions

- 6.1** The Act provides a small number of exemptions that may allow the Trust not to disclose requested information. A list of exemptions can be found in **Appendix B**.
- 6.2** The most likely exemptions to be used within the Trust are Section 40 (personal information), Section 21 (information available by other means), and Section 12 (cost of compliance is excessive, see 6.4).
- 6.3** Section 14 allows for a request to be exempt by classing it as "vexatious" or "repeated". The history of the request will be looked at in order to establish whether a request is vexatious or repeated.
- 6.4** Where the Trust has previously complied with a request for information which was made by any person, or by a number of persons believed to be working collaboratively, it is not obliged to comply with a subsequent identical or substantially similar request from that person or group of persons, unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request. For the purposes of this Policy, a period of 60 calendar days is determined as a reasonable interval.
- 6.5** There is no definition of a vexatious request with the Act, however Section 14(1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption,

irritation or distress.

The emphasis on protecting public authorities' resources from unreasonable requests was acknowledged by the Upper Tribunal in the case of Information Commissioner vs Devon County Council & Dransfield [2012] UKUT 440 (AAC), (28 January 2013) when it defined the purpose of section 14 as follows;

'Section 14...is concerned with the nature of the request and has the effect of disapplying the citizen's right under Section 1(1)...The purpose of Section 14...must be to protect the resources (in the broadest sense of that word) of the public authority from being squandered on disproportionate use of FOIA...' (paragraph 10).

Furthermore, ICO guidance states that public authorities should not regard Section 14(1) as something which is only to be applied in the most extreme circumstances, or as a last resort. Rather, they would encourage authorities to consider its use in any case where it is believed the request is disproportionate or unjustified. The ICO has concluded that Parliament intended Section 14(1) to have its ordinary meaning i.e. likely to cause distress or irritation, literally to vex a person to whom it is directed. When considering whether a request is vexatious, the Trust will take into account and document the following factors:

- Does the request/s convey a significant burden in terms of expense and distraction? (Usually in excess of the Appropriate Limit) See **Section 2.4**.
- Can it be evidenced that the request is intended to cause disruption or annoyance?
- Does the request have the effect of harassing the Trust and/or its staff?
- Can the request otherwise fairly be characterised as obsessive or manifestly unreasonable?
- Does the request lack any serious purpose or value?
- Does the information requested lack an obvious public interest in its disclosure?

Where evidence is held to prove that **three** or more of the above can be answered **yes**, the request will be considered vexatious.

6.6 Any decision to use a Section 14 exemption will be agreed by the Trust IG manager. Requestors deemed as vexatious or repeated must be given the right to appeal this decision by being informed of their right to request an internal review. Once a requestor has been informed that their request is being treated as vexatious or repeated, the Trust is not obliged to provide any further response to any repeated requests for substantially similar information until a "reasonable interval of time" has passed.

6.7 In accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the Trust has the right to refuse to process any request for information where the costs associated with that production would exceed £450. This is calculated at the flat rate of £25 per hour and equates to 18 working hours. This is regardless of actual salary or job role. Not all activities associated with the production of the information will be chargeable. Where it is intended to apply this exemption, a breakdown of the work involved in complying with the request will be documented by the IG Officer, stating how the £450 limit would be reached, and by how far it would be exceeded. The Trust will work with applicants to keep compliance costs to a minimum but reserves the right to either (a) refuse or (b) charge for the communication of information that exceeds this limit. (The Trust may make charges for multiple copies of information. This is detailed in **Appendix B** point 9.0 and in **Appendix D**).

7.0 Refusal of requests

- 7.1** The Trust will be obliged to disclose any information in response to a request unless an exemption provided for in the Act applies in relation to that particular information. If the Trust chooses to refuse a request for information under any of the exemptions outlined in **Appendix B**, the applicant will be informed of the reasons for this decision within twenty working days.
- 7.2** When a request is refused, the applicant will be informed of the procedure for requesting an internal review of the Trust's handling of the request, and of how to make a complaint to the ICO if they remain dissatisfied. **Appendix C** contains the Trust's "How to request a review" information sheet.
- 7.3** The Trust will follow the Appeals Procedure in **Appendix A** point 12 when dealing with complaints about the discharge of the duties of the Trust under the Act, including the handling of requests for information.
- 7.4** Where a request is made for information that is subject to a current piece of work and premature disclosure is not deemed in the public interest, the Trust may choose to withhold the information temporarily. Every effort will be made to indicate a date when a future request would be honoured.
- 7.5** Where the Trust has responded to an earlier request by means of a refusal notice, it is not necessary for the Trust to issue a new refusal notice for later identical or substantially similar requests. The Trust will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests.

8.0 Release of Trust employee names and details

- 8.1** As a public authority, there is recognised justification for the disclosure of employee names and contact details.
- 8.2** It is Trust policy that the Trust will release names of Consultants, medical staff, and other staff members whose name is already published on the Trust's public website, without gaining additional consent.
- 8.3** The Trust will routinely release the names of Executive Directors, Department Heads, Care Group Managers, and other senior staff. For other staff, consent will normally be sought if release of names is appropriate. In some cases, the public interest in disclosure of personal details may be judged to outweigh an individual's preference to restrict such disclosure. The final decision on release of information remains with the persons responsible for FOI compliance within the Trust.
- 8.4** Those staff with public facing roles or those already in the public domain are more likely to have their names released. Personal contact details (ie, home address, home telephone number, personal email address) will never be released in response to a request under the Act. See 9.0 for further information on the release of third party information.
- 8.5** Requests for salary information will be answered by providing Agenda for Change pay bands. Where a person falls outside of Agenda for Change pay bands, their salary will be given in £10,000 bands. Requestors will be referred to the Annual Report if requesting information regarding Executive Director's salaries.

9.0 Consultation with Third Parties

9.1 The Trust recognises that in some cases the disclosure of information may affect the legal rights of a third party, for example where information is subject to the common law of duty of confidence or where it constitutes “personal data” within the meaning of the DPA. Unless an exemption provided for in the Act applies in relation to any particular information involving third parties, the Trust will be obliged to disclose that information in response to a request. The Trust will always try to gain the consent of employees (see 8.0).

9.2 The fact that the third party has not responded to any consultation on disclosure of third party information 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.

9.3 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 information should be withheld.

10.0 Public sector contracts

10.1 When entering into contracts the Trust will refuse to include contractual terms which aim to restrict the disclosure of information held by the Trust or information relating to the contract itself. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Trust will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

11.0 Records Management

11.1 A request for information cannot be refused on the grounds of an inability to locate a document or information due to poor records management. It is a criminal offence to destroy material because it has been requested under the Act.

11.2 The Trust’s *Records Management Policy* contains information about the creation, management, retention period, and disposal of Trust records and ensures compliance with the Department of Health’s Records Management Code of Practice for Health and Social Care.

12.0 Implementation

12.1 Awareness of the revision of the policy will be made via the “News” link on Staffnet.

12.2 The policy will appear in the “New/Updated Documents” area of the Trust Documents section on staffnet.

12.3 Staff Briefing emails will be used to alert all staff that the policy has been updated and make them particularly aware of their responsibilities outlined in **Appendix A**.

12.4 The policy will be available in the Trust publication scheme to enable access outside of the Trust IT network.

12.5 The policy will be highlighted to those receiving contact from the FOI office regarding requests for information

12.6 The Trust will continue to include FOI awareness in mandatory IG training materials use in the Trust. This will include reference to the location of the FOI policy on Staffnet.

12.7 Staff will continue to be given the FOI staff information leaflets.

12.8 The Trust IG officer will be available to talk to individual staff groups about FOI awareness as and when requested.

12.9 The Trust IG officer will continue to respond to queries as and when they occur.

13.0 Process for Monitoring Compliance/Effectiveness

13.1 Compliance with this policy will be undertaken as summarised in the table below. Any identified areas of non adherence or gaps in assurance arising from the monitoring of this policy will result in recommendations and proposals for change to address areas of non compliance and/or embed learning. Monitoring of these plans will be co-ordinated by the group/committee in the monitoring table below

What aspects of compliance with the document will be monitored	What will be reviewed to evidence this	How and how often will this be done	Detail sample size (if applicable)	Who will co-ordinate and report findings (1)	Which group or report will receive findings
Trust compliance with FOI policy and procedure	Review of FOI activity including 20 day compliance and internal reviews	Bi-annual report to IGSG	N/A	IG Officer/Trust IG Manager	IGSG
Staff awareness and understanding of FOI policy	Questionnaires sent to random sample of staff	Quarterly	30 staff members	IG Officer	IGSG
Effectiveness of FOI policy and procedure with service users	Satisfaction questionnaire sent to requestors	Ongoing	Sent to every 10 th requester	IG Officer	IGSG

Where monitoring identifies deficiencies actions plans will be developed to address them.

14.0 Arrangements for review of the policy

14.1 This policy is to be reviewed after three years, or as any changes to practice occur.

14.2 The policy will be reviewed by the IG officer and the Trust IG Manager. Consultation may be sought from other staff members as appropriate.

15.0 References

The Freedom of Information Act 2000 (“the Act”)

The Data Protection Act 1998 (“the DPA”)

Environmental Information Regulations (2004) (EIRs)

Appendix A

FOI procedures at UHS

1.0 Purpose

- 1.1 This document explains how to deal with requests for information so that we comply with the Freedom of Information Act 2000.

2.0 Background

- 2.1 The Freedom of Information Act 2000 (“the Act”) gives anyone the right to make a written request (including an e-mail request) to see information held by the Trust. If the information is held by the Trust, it must be disclosed. Any information can be requested, no matter how old it may be. This includes information contained within emails.
- 2.2 Requests do not have to specifically mention the Act, nor do they have to state why the applicant require the information, and the Trust is not permitted to enquire.
- 2.3 The Trust must respond to Freedom of Information requests within 20 working days. If we do not the Trust may be subject to regulatory action. We must provide advice and assistance to everyone who makes a request, but have no right to know why they want the information.
- 2.4 People will not always get the information they request. We may no longer hold it or may withhold it. There are a small number of exemptions provided for under the Act which allow us to withhold information – see **Appendix B**.
- 2.5 Requests are “applicant blind”, meaning the Trust cannot take the identity of the applicant into consideration when releasing the information. An exception to this may be made if the applicant proves vexatious.

3.0 Requests for information you normally provide

- 3.1 If someone asks you for information that you have to hand and normally give out (e.g. an information leaflet, routine letter, etc), you should continue to do so. These requests do not need to be logged.

4.0 Requests for other information

- 4.1 Any Trust employee may be contacted by an applicant wishing to make an FOI request. You should be aware of the correct advice to give them and should contact the IG Office on ext 5079 if unsure.
- 4.2 If someone asks for a Trust document (e.g. a policy document) you can refer them to the publication scheme on our website (www.uhs.nhs.uk). The scheme has links to many standard documents that can be read online or downloaded. It also tells people how to request hard copies of documents from the Trust FOI Office or request documents that are not available online.

- 4.3** If the requestor is unable to use the website, or the information they want is not there, they must make a written request. You should give them the following correspondence addresses:

For postal requests (must include the applicant's name and a contact address) –

Freedom of Information Office
Mailpoint 79
Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

For email requests (must include the applicant's name) –
freedomofinformation@uhs.nhs.uk

- 4.4** Requests must be made in writing. If an applicant attempts to make a request over the telephone, they should be informed how to make their request in writing (see 4.3). All requests must contain the applicant's name and a way of contacting them with the Trust's written response.

5.0 What to do if someone gives you a written request

- 5.1** FOI is governed by strict timescales. Send the request through the internal post within 24 hours to the Freedom of Information Office, Mailpoint 79, SGH. The IG officer will log the request and decide who the best person to deal with it is.
- 5.2** The date of receipt is the date the request is received in the Trust, not the date it is passed to the appropriate person (i.e., the IG officer), so you must act quickly.
- 5.3** You can call the FOI office on ext 5079 if you are unsure.

6.0 What to do if the FOI office asks you for information

- 6.1** Any Trust employee may potentially be contacted by the IG officer and asked for information regarding a request. In reality the majority of requests for information are dealt with by some key departments and Trust senior managers. If you are asked to provide information in response to a request, please do so as quickly as possible and by the date stated on the request form you have been sent. Contact the IG officer straight away if you are unsure or unable to help.
- 6.2** If the information is readily available, send it immediately to the IG officer. All responses are sent out from the FOI office so that we can be sure we have met the timescale and criteria. If information is asked for on several occasions, consideration will be given to making it readily available through the publication scheme.
- 6.3** If you cannot provide information within 10 days, tell the IG officer as soon as possible as they may need to advise the requestor (email FreedomOfInformation@uhs.nhs.uk or call ext 5079).
- 6.4** If you have not responded by the date stated on the request form, the matter may be escalated to your relevant manager or Director.
- 6.5** Under section 16 of the Act, the Trust has a duty to provide advice and assistance to

applicants. The Trust will ensure it meets the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the Trust to do so. If you cannot provide the exact information asked for, you may be able to suggest an alternative. You should discuss this with the IG officer.

- 6.6 If we do not hold the information within the Trust, but you know which public authority does hold the information (ie, another Trust, the CCG, the council, etc) you should inform the IG officer as this part of the request may be able to be transferred.

7.0 Transferring a request

- 7.1 This will be done by the IG officer.

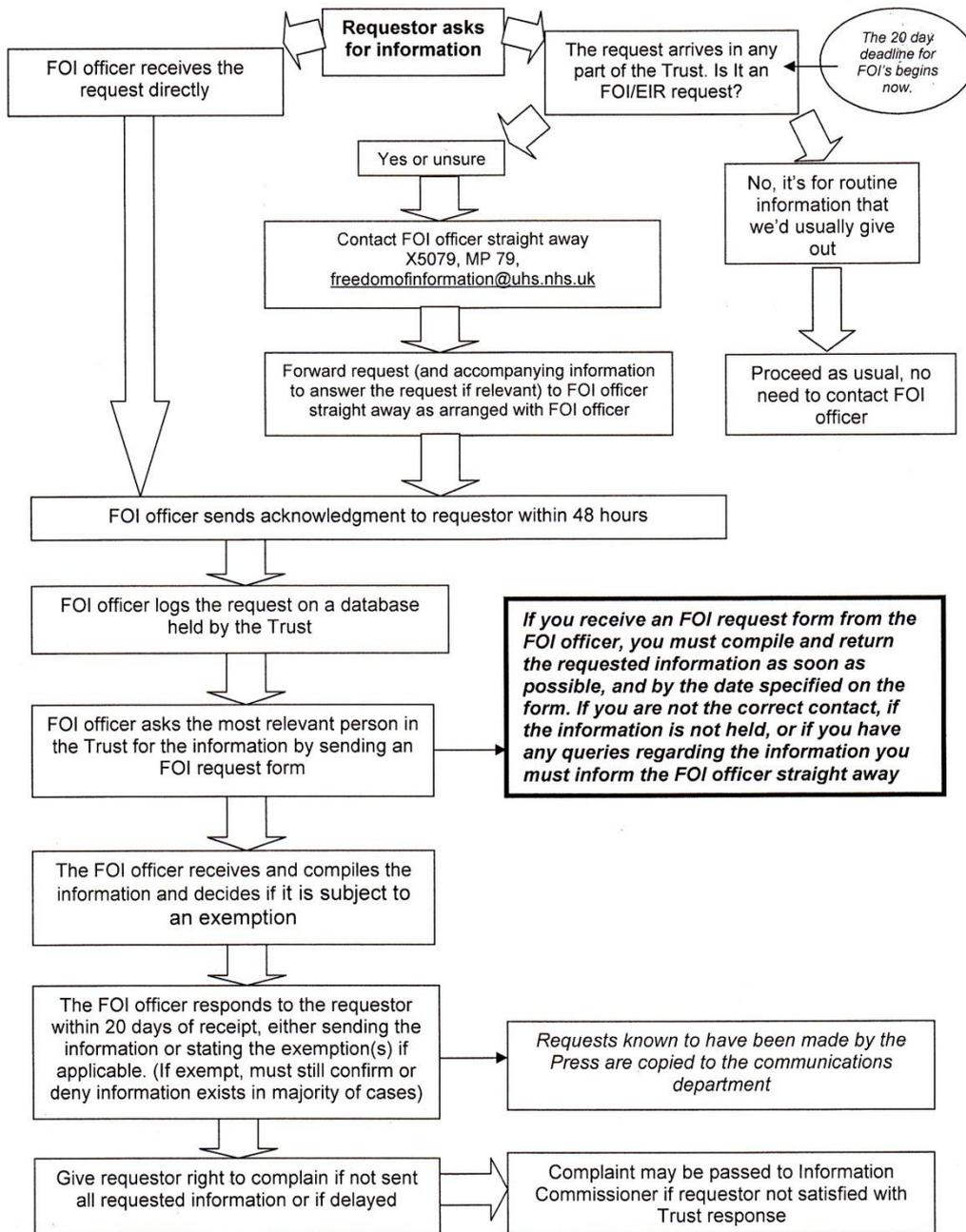
- 7.2 A request can only be transferred where the Trust receives a request for information which it does not hold, within the meaning of section 3(2) of the Act, but which is held by another public authority. If the Trust is in receipt of a request and holds some of the information requested, a transfer can only be made in respect of the information it does not hold (but is held by another public authority). The Trust will also advise the applicant that it does not hold part, or all, of the requested information.

- 7.3 If the Trust believes that some or all of the information requested is held by another public authority, the Trust will consider what would be the most helpful way of assisting the applicant with his/her request. Under section 45 the Trust can suggest the applicant applies to another authority and provide the contact details, or consult another authority to confirm they hold the information and then (with the applicant's consent) transfer the request to the other authority. The requestor should be informed the transfer has taken place. The time limit for responding applies from the date of transfer.

8.0 What the FOI Office does with a request

- 8.1 If a request is sent directly to the Trust Freedom of Information office the date received and details of the request will be logged and the request acknowledged. It is best practice to acknowledge receipt of all requests. The Trust IG officer will endeavour to do this within 48 hours of receiving the request.
- 8.2 A check will be made as to whether the information is already available in the Trust publication scheme. If it is, a link will be sent to the applicant.
- 8.3 If the information is not available through the publication scheme, and the IG officer does not already hold the information, the request will be passed to the relevant area to locate and provide the information requested.
- 8.4 If the information is not exempt, it will be collated and the final response will be sent to the requestor within 20 working days of receipt.
- 8.5 If the information is exempt from disclosure, the applicant will be informed (in writing) which exemption applies. They will be given the right to challenge the Trust's decision (**Appendix C** of the policy). A list of exemptions can be found in **Appendix B** of the policy.
- 8.6 If the applicant is requesting a copy of their own health records they will be informed that their request is exempt under Section 40(1) of the Act, and advised how to make a Subject Access Request.

- 8.7** Where the use of a qualified exemption is proposed, a Public Interest Test will need to be carried out (see **Appendix B** for list of “qualified exemptions”).
- 8.8** Consultation on the use of a qualified exemption must take place and be communicated to the requestor within the 20 working day time limit.
- 8.9** Where requests are known to have been made by members of the Press the response will be copied to the communications department.
- 8.10** The following flow chart shows the FOI process from the request being made through to completion.



Charges and Fees

- 8.1 Information in the Trust's Publication Scheme is available to view online or download free of charge.
- 8.2 Charges may be levied for hard copies of requested information, multiple copies, or copying onto media such as a CD-ROM. Charges will be in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
- 8.3 See **Appendix D** of the policy for further information regarding charging.

9.0 Means by which information will be conveyed

- 9.1 If a requestor asks for information in a particular format, this will be met where practicable. Fees may be charged, as listed in **Appendix D**.

10.0 Access to Personal Information

- 10.1 The Data Protection Act 1998 still applies to requests to access to personal information (including health records) and these requests will be dealt with in accordance with the procedure outlined in the Trust Policy and Procedure for Access to Personal Information.
- 10.2 If you are unsure about a request you receive for person-identifiable information please contact the Freedom of Information Office (ext 5079) for advice.

11.0 Requests for reviews

- 12.1 If a requestor wishes to appeal about the way the Trust has handled a request they may write to the Freedom of Information Office, Southampton General Hospital, Mailpoint 79, Tremona Road, Southampton, SO16 6YD or freedomofinformation@uhs.nhs.uk
- 12.2 Upon receipt of a request for a review, the IG officer will prepare a summary of the Trust's handling of the request for consideration by the Director of Corporate Affairs and the Director of Informatics. In the event of the Director of Corporate Affairs or the Director of Informatics being involved with the initial response they will be excluded from this process. If both individuals were involved with the original request an alternative executive director will be requested to complete the review.
- 12.3 If, after the requestor has appealed to the Trust, they are still not satisfied they may appeal to the FOI/ EIR Case Reception Unit, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. This is stated in "How to request a review" (**Appendix C**), which is sent to requestors if information is exempt.

12.0 Environmental Information Regulations

- 13.1 Requests for information regarding topics such as environmental elements (air, water, land, etc), noise, activities affecting the environment, and some aspects of health and safety, may be treated under the Environmental Information Regulations (EIR).

13.2 The Environmental Information Regulations came into force on the 1st January 2005.

13.3 Requests for information under these regulations do not have to be in writing.

13.4 Any requests made under these regulations should be passed to the Freedom of Information office.

13.0 Contact

13.1 The FOI office can be contacted via:

Email: FreedomOfInformation@uhs.nhs.uk

Telephone: ext 5079

External: 023 8120 5079

Post: Freedom of Information Office

Mailpoint 79

University Hospital Southampton NHS Foundation Trust

Tremona Road

Southampton

SO16 6YD

Appendix B
Exemptions provided under the Act

Absolute – no Public Interest Test required

Qualified – Public Interest Test needed. This requires the Trust to assess the public interest in disclosing and exempting the requested information. The Trust is required to consider the arguments for and against disclosure. The Director of Corporate Affairs and the Director of IM&T must agree the use of qualified exemptions.

Section	Exemption	Absolute or Qualified
12	Cost of compliance is excessive	No public interest test needed, but estimate and breakdown of cost needed by IG Officer
14 (1)	Vexatious request	No public interest test needed
14 (2)	Repeated request	No public interest test needed
21	Information reasonably accessible to the applicant by other means	Absolute
22	Information intended for future publication	Qualified
23	Information supplied by or relating to security bodies	Absolute
24	National security	Qualified
26	Defence	Qualified
27	International relations	Subject to Prejudice Test
28	Relations within the UK	Qualified
29	Economy	Qualified
30	Investigations	Qualified
31	Law enforcement	Qualified
32	Information contained in court records	Absolute
33	Public audit	Qualified
34	Parliamentary privilege	Absolute
35	Policy formulation, Ministerial communications, Law Officers' advice and the operation of Ministerial	Qualified

	Private Office	
36	Effective conduct of public affairs	Qualified
37	Communications with Her Majesty and the awarding of honours	Qualified
38	Health and safety	Qualified
39	Environmental information	Treat under EIR
40	Personal Information	Majority absolute
41	Information provided in confidence	Consider public interest under Common Law
41	The duty of confidence and the public interest. Information provided in confidence relating to contracts	Absolute
42	Legal professional privilege	Qualified
43	Commercial interest. Public sector contracts. Commercial detriment of third parties.	Qualified
44	Prohibitions on disclosure	Absolute

Appendix C

How to request a review

Freedom of Information Office
Mailpoint 79
Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

How to request a review

If you are unhappy about the response you have received your first line of action should be to write and request the Trust to undertake an internal review of your application - write to:

Freedom of Information Office
MP 79
Southampton General Hospital
Tremona Road
Southampton
SO16 6YD

or email: freedomofinformation@uhs.nhs.uk

If after this process you are still not satisfied with the response you receive from the Trust you can complain to the Information Commissioner at the following address:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

http://www.ico.gov.uk/complaints/freedom_of_information.aspx

Appendix D

Charging for information

In line with the Act, reasonable charges can be made for excessive/additional copies of information. The following charging regime will be used by the Trust:

Photocopying/Printing	
A4 black and white	5 pence per side
A3 black and white	10 pence per side
A4 colour	20 pence per side
A3 colour	40 pence per side
Postage	Standard 2 nd class mail charges

Charges will not be made unless the cost of providing the information totals more than £20.

As outlined by the Act, charges for searching for information cannot be made under £450. Any requests which it is estimated will cost over £450 to complete will be exempt under Section 12 of the Act.

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Lead Name and Job Title of originator/author or responsible committee/individual:	Trust IG Manager
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Summary of most recent changes if applicable:	Reviewed guidance for dealing with repeated and vexatious requests; Updated information regarding Publication Scheme
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Should this document be made available on the public website?	Yes
Is this document to be published in any other format?	No

The Trust strives to ensure equality of opportunity for all, both as a major employer and as a provider of health care. This document has therefore been equality impact assessed to ensure fairness and consistency for all those covered by it, regardless of their individual differences, and the results are available on request