



# Freedom of Information and Environmental Information Regulations Policy

## Review and Amendment Log / Control Sheet

<b>Responsible Officer:</b>	Chief Officer
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<b>Date Approved:</b>	15 July 2020
<b>Committee:</b>	Audit Committee
<b>Version:</b>	V1.0
<b>Review Date:</b>	July 2022

### Version History

<b>Version no.</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>	<b>Circulation</b>
0.1	March 2020	Governance Manager	Policy review	
0.2	June 2020	Information Governance Manager	Contributions to review	
0.3	July 2020	Head of Corporate Governance	Reviewed prior to submission to Audit Committees for approval	Audit Committees
1.0	July 2020	Governance Manager	Approved by Audit Committee	CCG and published on website.

### Version History – Greater Huddersfield CCG

<b>Version no.</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>	<b>Circulation</b>
1.0	8 Jan 2014		Approved by Audit Committee	
2.0	16 March 2016		Approved by Audit Committee	
3.0	4 July 2018		Approved by Audit Committee Policy refreshed to reflect organisational changes and requirements of GDPR	

### Version History – North Kirklees

<b>Version no.</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>	<b>Circulation</b>
<b>0.1</b>	<b>Sep 14</b>	<b>IG Specialist YHCS</b>	<b>Initial Draft</b>	
<b>1.0</b>	<b>03.12.14</b>	<b>IG Specialist YHS</b>	<b>Approved by Governance and Corporate Affairs Committee</b>	
<b>2.0</b>	<b>4 July 2018</b>		<b>Approved by Audit Committee</b>	

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## 1.0 Introduction

1.1 This document defines the Freedom of Information and Environmental Information Regulations Policy for NHS Greater Huddersfield CCG and NHS North Kirklees Clinical Commissioning Group (The CCGs).

1.2 The Freedom of Information Act (2000) (FOI Act) is part of the Government's commitment to greater openness in the public sector. Public authorities spend money collected from taxpayers and make decisions that can significantly affect many people's lives. The FOI Act helps the public make public authorities accountable for their actions and allows public debates to be better informed and more productive. It enables members of the public to scrutinise the decisions of public authorities more closely and ensure that services are delivered properly and efficiently. The FOI Act does not put a limit on the amount of information an organisation can disclose i.e. it may release more information than is allowed for in the Act, but must at least release the information that the Act suggests it should.

1.3 The main features of the Act are:

- A general right of access to everyone to all recorded information held by public authorities, subject to certain conditions and exemptions set out in the FOI Act and exceptions set out in the Environmental Information Regulations (EIR).
- It is not limited to official documentation and it covers, for example, drafts, emails, instant messaging, notes, recordings of meetings, events, telephone conversations and CCTV recordings. It covers all recorded information held by a public authority.
- It does not give people access to their own personal data (information about themselves) such as their health records.
- It is subject to 23 exemptions which allow public authorities to withhold information. They are either absolute or qualified exemptions. The EIR are subject to qualified exceptions only.
- A public interest test in cases where information may be exempt from disclosure, except where an absolute exemption applies.
- A duty on public authorities to:
  - (i) Inform the applicant whether they hold the information requested, and
  - (ii) Communicate the information to him or her not later than the twentieth working day following the date of receipt, unless the public interest test in maintaining the exemption in question outweighs the public interest in disclosure.
- It provides a duty on every public authority to adopt and maintain a Publication Scheme.
- The Information Commissioner's Office oversee compliance against the FOI Act and associated statutory instruments together with the EIR.

1.4 Certain categories of public information are covered by the EIR. The Regulations cover information related to the environment such as emissions, land use, pollution, waste disposal etc. The regulations are similar to FOI but there is an even greater presumption of disclosure, exceptions are fewer and requests can be made verbally.

1.5 The CCGs and this policy support the principle that openness should be the norm in public life. The organisations believe that individuals have a right to privacy and confidentiality, and this policy does not overturn the common law duty of confidentiality or statutory provisions that prevent disclosure of personal information. The release of such information will be dealt with under the provisions of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018.

- 1.6 The CCGs must still be able to carry out their duties effectively and to ensure this; the exemptions outlined in the Act and exceptions outlined in the Regulations will be applied appropriately.

## **2. Aims and objectives**

In complying with their statutory duties relating to the FOI Act and EIR, the CCGs will take all reasonable steps to abide by the following principles:

- Ensuring all requests for information are dealt with consistently and receive a high quality response, however and wherever the contact is made;
- Ensuring that the CCGs comply with all relevant regulations, laws and guidance;
- Ensuring staff at all levels are aware of their responsibilities with regards to the Act and Regulations, be it in directing any queries to the appropriate person/service, or in ensuring they provide any information requested in a timely fashion;
- Ensuring statutory timescales are met;
- Ensuring the Governing Bodies are fully informed on the operation of the Act and Regulations and any implications for the service.

The CCGs acknowledge that there are a range of consequences that can be imposed on a public authority by the Information Commissioner's Office for failure to adhere to its statutory responsibilities under the FOI Act and EIR. These include assessment visits, information notices, enforcement notices, decision notices and criminal prosecution.

## **3. Scope of the Policy**

- 3.1 The Freedom of Information and Environmental Information Regulations Policy applies to all staff who work for the CCGs (including those on temporary or honorary contracts, secondments, volunteers, pool staff, governing body members and students).
- 3.2 This policy applies to all information held by the CCGs, including documents that have been supplied by other organisations. Staff should be aware that all documents they create in the course of their duties (including personal e-mails) may fall within the scope of the Act and Regulations. The information can be held in any form, including recordings or notes of telephone calls, file notes, the Internet, emails, instant messaging (such as Microsoft Teams 'Chat') and video/audio recordings.
- 3.3 All CCG staff should have an understanding of this policy in order to direct enquirers appropriately.
- 3.4 Failure to adhere to this Policy may result in disciplinary action and/or referral to the appropriate professional regulatory body, health and care regulator as well as the police.

## **4. Accountability**

### **4.1 The Governing Body**

Each Governing Body is accountable for ensuring that resources and systems are in place to support compliance with the FOI Act and EIR and to receive by exception any significant risks and gaps in compliance on policy issues relating to the FOI and EIR.

#### **4.1 The Audit Committee**

Each Audit Committee is responsible for ensuring the adequacy and effectiveness of arrangements in place to comply with the FOI Act and EIR and bringing to the attention of their respective Governing Body significant risks and gaps in compliance.

#### **4.2 Chief Officer**

The Chief Officer has organisational responsibility for compliance with the FOI and EIR, including the responsibility for ensuring the CCGs have appropriate systems and policies in place to comply with the requirements of the FOI Act and EIR.

#### **4.3 Senior Information Risk Owner**

The Chief Finance Officer is the Senior Information Risk Owner (SIRO) and has organisational responsibility for all aspects of risks associated with Information Governance, including those relating to the FOI and EIR.

#### **4.4 Information Governance Lead & Data Protection Officer**

The Senior Level Information Governance Lead for the CCGs is the Head of Corporate Governance. The IG Lead is accountable for ensuring effective management, compliance and assurance for all aspects of the FOI Act and EIR management including ensuring training is provided for staff as appropriate. They are supported by the expertise of the Information Governance Team and ICO when required.

The Information Governance Lead also takes the role of Data Protection Officer. The Data Protection Officer is responsible for the provision of advice on compliance obligations, data protection impact assessment and monitoring of data protection compliance in respect of the FOI and EIR regimes.

#### **4.5 Senior Management Team**

The SMT will support the provision of timely, high quality and complete information in response to requests under the FOI Act and EIR.

It is the responsibility of each member of SMT to ensure that up to date information is provided to the Governance Manager so that the Publication Scheme can be kept up to date. This is especially important with documents such as policies and procedures and information leaflets. It will be assumed that the appropriate managers are satisfied with current documents unless they state otherwise.

It is also the responsibility of each member of SMT to ensure that records management in their area is compliant with the Records Management Code of Practice for Health and Social Care and the CCGs' Records Management and Information Lifecycle Policy and associated procedures.

The SMT will take all reasonable steps to ensure that staff are aware of policies, protocols, procedures and legal obligations relating to the FOI Act and EIR. This will be delivered through training and through internal staff communication mechanisms.

#### **4.6 Staff**

All staff are responsible for:

- Complying with this policy
- Seeking advice, assistance and training where required.

### **5. Definition of terms**

- **'The Act'** refers to the Freedom of Information Act 2000.
- **'FOI'** and **'FOIA'** are acronyms for the Freedom of Information Act 2000.
- **'GDPR/DPA'** - General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018
- **'EIR'** is an acronym for Environmental Information Regulations 2004.
- **'ICO'** is an acronym for the Information Commissioner's Office (independent regulator for Freedom of Information, Environmental Information Regulations and Data Protection legislation).
- **'Exemption'** refers to provisions within FOI that define particular types of information that public authorities may not be obliged to disclose. These may be absolute or qualified exemptions.
- **'Exception'** refers to provisions within EIR that define particular types of information that public authorities may not be obliged to disclose. These are qualified exceptions only.
- **'Disclosure Log'** refers to a list of published responses to requests made under the FOI Act and EIR which are felt to be of wider public interest.
- **'Public Interest Test'** is required for qualified exemptions and exceptions to determine if disclosure of the information is in the public interest
- **'Publication Scheme'** – each CCG has a legal requirement to compile and make available certain classes of information it routinely and proactively provides to the public. This is called a Publication Scheme. The CCG Publication Scheme can be found on the CCGs' public websites or in hard copy on request.
- **'Redaction'** is the process of editing or revising a piece of writing in preparation for publication or responding to a request.

## 6. Publication Scheme

6.1 Each CCG is required to publish information held by setting up and maintaining a Publication Scheme. This Publication Scheme sets out classes of information that the CCG undertakes to publish and is based on the ICO's Model Publication Scheme.

Classes of information should not be added or removed without the approval of the Information Commissioner.

The current classes of information are:

- Who we are and what we do
- What we spend and how we spend it
- What are our priorities and how are we doing
- How we make decisions
- Our policies and procedures
- Lists and registers
- The services we offer

Brief outlines of these classes are contained in the Scheme.

6.2 The documents available through the Scheme will be the final, approved versions only. It is the CCGs' policy not to include draft documents in this Scheme although these may be releasable under FOI or EIR. The Scheme as a whole will be reviewed annually.

6.3 The CCGs will work with partners using national guidelines to further develop and improve the organisation's publication scheme.

- 6.4 The Publication Scheme will be an evolving web page and, as a result, staff are encouraged to recommend information for inclusion.
- 6.5 The CCGs will publish a disclosure log on their public websites of responses to requests made under the FOI Act and EIR which are felt to be of wider public interest.

## **7. General Right of Access**

- 7.1 FOI and EIR give a general right of access to recorded information held by each CCG, subject to certain exemptions and exceptions. This means that any person who makes a request has the right to:
- a) Be informed in writing whether the relevant CCG holds the information requested and;
  - b) If the CCG holds that information, have it communicated to them.
- 7.2 A request for access under FOI must be made in writing, giving the name of the applicant, an address for correspondence and a description of the information requested. E mail is an acceptable form of correspondence.
- 7.3 Requests for information under EIR can be made verbally although it would be good practice to record the request and send a dated copy to the requester inviting them to make any amendments necessary.
- 7.4 The CCGs have a dedicated e-mail account for FOI/EIR requests. The CCG websites provide clear instructions to the public on how they can make an FOI or EIR request electronically or by traditional postal means.
- 7.5 It is important to understand that a request for information does not need to be marked as such; there is no need for the applicant to say they are making a FOI or EIR request, nor does it have to be sent to the e-mail account or FOI/EIR Team.
- 7.6 Although all requests for information are FOI requests, the CCGs will handle routine day to day requests in the normal way without them being recorded as FOI requests.
- 7.7 FOI and EIR require that requests are responded to within 20 working days. (See section 9 for further detail on the 20 working day clock).
- 7.8 If the CCGs choose to apply an exemption/exception to any information, or decide to refuse a request because it appears to be vexatious or repeated, or exceeds the appropriate limit for costs of compliance, a notice will be issued within 20 working days informing the applicant of this decision.
- 7.9 If the CCGs need to apply the public interest test to a request for information, it may not be possible to reach a decision relating to disclosure within the 20 working day time limit. In this situation, the relevant CCG will write to the applicant within 20 working days of receipt of the request with a realistic estimate of when a decision will be reached.
- 7.10 All notices issued by either CCG to the effect that it is refusing to comply with a request for information will inform the applicant of the procedure for submitting an appeal/complaint and of their right to apply to the Information Commissioner.

## **8. Recording Requests**

8.1 When dealing with a request, the following information will be recorded:

- Unique reference number
- Initial date received by the CCG and which CCG/s it relates to
- Name of the applicant
- Contact details of the applicant
- Description of the information requested
- Who the request has been referred to in order to source the information
- Follow up action taken if necessary
- When the request must be processed by / 20 working day deadline
- Decision taken and details of any exemption used
- Date completed and sent to the applicant

## **9. The 20 Working Day Clock**

9.1 The CCGs will start the 20 working day clock:

- The day after the request is received (provided that it is received on a working day). The time limit for compliance is the 20<sup>th</sup> working day following the date of receipt. In accordance with the Act, a working day is Monday – Friday, with the exception of public/bank holidays.

or

- The day the CCGs receives further information they reasonably require in order to identify and locate the information requested.

## **10. Advice and Assistance**

10.1 The FOI Act and EIR require the CCGs to provide advice and assistance to applicants and would-be applicants. The organisations will provide this, taking into account other statutory duties, e.g. the Equality Act 2010.

10.2 If the applicant is requesting advice and assistance or has not provided enough information for the request to be dealt with, one or more of the following steps will be taken, depending on the situation:

- give guidance on how to access the information from the CCGs' Publication Scheme and the general rights of access;
- inform the applicant of the progress of their request;
- explain the basis for any charges or fees levied or exemption/exceptions applied;
- suggest other routes through which the applicant may wish to access information, including directing them to other public authorities;
- identify independent sources of help for applicants;
- direct applicants to the FOI/EIR review or complaints procedure and/or the Office of the Information Commissioner if they are dissatisfied with any outcome.

10.3 In cases where the CCGs can clearly identify some elements of a request they should respond in the usual way (and in the 20 working days) and provide advice and assistance for the remainder of the request.

10.4 For the remainder of the request, the CCGs should ensure that there is no undue delay in asking for clarification. The CCGs will not be obliged to comply with the remainder of

the request until the day the CCGs receive the required clarification to identify and locate the required information. The 20 working day clock will start on this day.

## **11. Limit on the Cost of Complying with a Request**

- 11.1 The National Fees Regulations currently entitle the CCGs to apply a cost limit of £450, equivalent to 18 working hours, to requests for information. This represents the cost each CCG would reasonably expect to incur in:
- 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; and
  - extracting the information from a document containing it.
- 11.2 This does not include the cost of reproducing any document containing the information such as printing or photocopying, or posting and packing the information requested, or any time taken to redact exempt information.
- 11.3 Where it is estimated that the appropriate limit will be exceeded, the CCGs will work with applicants to keep compliance costs to a minimum but reserve the right to either refuse to disclose the information or charge whatever the costs of disclosure are above the appropriate limit.

## **12. Charges and Fees**

- 12.1 Where a request falls within the appropriate limit, the CCGs will generally not charge for information that is requested under the Act. However, the CCGs reserve the right to apply charges in accordance with the National Fees Regulations, for example, if multiple hard copies are requested, or information is to be copied onto other media.
- 12.2 In all cases where the CCGs choose to make a charge, a fees notice will be issued to the applicant to be paid within a period of three months beginning with the day on which the fees notice is issued. Payment will be required prior to the release of information.

## **13. Consultation with Third Parties**

- 13.1 In the event that a request contains information about third parties, the CCGs will make reasonable efforts to liaise with the third parties about their rights to make representation on any information they do not wish to have released. Whilst the CCGs will make reasonable efforts to consult third parties where necessary, they may consider that consulting the third party is not appropriate where the cost of consulting would be disproportionate.
- 13.2 In such cases, where necessary, the CCGs will take specialist legal advice.
- 13.3 In all cases, it is for the CCGs to determine whether information should be disclosed. Non-response or refusal by a third party to consent to disclosure does not, in itself, provide sufficient reason for information to be withheld. The CCGs will record their consideration of these requests.

## **14. Public Sector Contracts**

- 14.1 When entering into contracts the CCGs will limit the contractual terms which are intended to restrict the disclosure of information held by the CCGs. The CCGs cannot

'contract out' their obligations under the Act. The Lord Chancellor's Code of Practice states that "unless an exemption provided for under the Act is applicable in relation to any particular information; a public authority will be obliged to disclose that information in response to a request, regardless of the terms of any contract".

- 14.2 Contractors may put pressure on the CCGs to accept confidentiality clauses covering information about the terms of the contract, its value and performance. Where it is necessary to include a non-disclosure provision in a contract (exceptional circumstances only) an option could be to agree a schedule with the contractor that clearly identifies the information that should not be disclosed. The organisation would have to be aware that any restrictions on disclosure in such a schedule could be overridden by the obligations of the Act and Regulations.
- 14.3 The CCGs should not hold information 'in confidence' that is not confidential in nature. The confidential information exemption under the FOI and EIR only applies if the release of such information constitutes a breach of confidence actionable in a court of law.

## **15. Personal Data**

- 15.1 Personal data is information about a living or deceased individual from which that individual can be identified. It may take any of the following forms:
- Computer documents;
  - Information processed by a computer or other equipment (e.g. CCTV);
  - Information in medical and other records;
  - Information in some forms of structured manual records;
  - Unstructured personal information held in manual form by a public authority (the applicant is likely to be asked to provide extra details to locate the information requested).
- 15.2 If the person requesting the information is the subject of the information then they should be redirected to the subject access provisions under the GDPR/Data Protection Act.
- 15.3 If the personal data is about someone other than the applicant, there is an absolute exemption under FOI but the CCGs must still consider if disclosure would breach any of the Data Protection principles and apply a public interest test. The subject also has the right to object to the disclosure. The CCGs will undertake to ensure that all requests for personal information are handled in consultation with the subject and with advice from the IG Team, the DPO and Caldicott Guardians as appropriate. The CCGs will endeavour to balance an individual's right to privacy with the accountability that goes with working in the public sector.

## **16. Data Sets**

- 16.1 Section 102 of the Protection of Freedoms Act 2012 adds provisions to the FOIA (in particular Sections 11 and 19) relating to the way information held in datasets is released under FOI. A data set is a collection of factual information in electronic form to do with the services and functions of the CCGs that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered. Where a request is made for a dataset the CCGs will provide this information in a re-usable form so far as reasonably practicable.

- 16.2 A re-usable form means that the dataset is in a machine readable form. Factors which can affect whether it is reasonably practicable to provide the dataset in a readable form can include the time and cost of conversion, technical issues and resources of the CCGs. If a dataset is a relevant copyright work (the relevant CCG owns the copyright and database rights), then the CCG will provide it under the terms of a specified license.
- 16.3 The Open Government License OGL is the default license for datasets that can be re-used without charge. Other licenses which can be used if appropriate are Freedom of Information Act and Environmental Information Regulations the Non Commercial Government License (the information cannot be used for Commercial purposes) and the Charged License (where it is appropriate to charge for the re-use of information).
- 16.4 As required by the provisions, the CCGs will publish datasets requested and any updated versions unless the CCGs feel that it is not appropriate to do so. Reasons for it not being appropriate may include:
- The information is exempt from disclosure under the FOIA.
  - The information may cover a very narrow area of information. Although the requestor is entitled to ask for the information under the FOIA the CCGs may consider that there is no benefit in continuing to publish the dataset routinely.
  - The cost or technical issues involved in making the information routinely available on the Publication Scheme.
- 16.5 The dataset provisions do not apply to EIR however Regulation 6 does require that a public authority should make information available in the format requested by the applicant unless it is reasonable not to.

## **17. Exemptions under FOI**

- 17.1 The FOI specifies a number of different exemptions and when they can be applied. There are two types of exemption: absolute or qualified:
- An Absolute exemption means that relevant CCG is exempt from the need to confirm or deny. This means that the CCG does not have to admit or deny holding the information. There is no obligation to consider the request for information further if an absolute exemption applies.
  - A Qualified exemption means that the relevant CCG has to consider the public interest before making the decision. Qualified exemptions do not justify withholding information unless, following a proper assessment, the balance of the public interest comes down against disclosure. The CCGs will endeavour to use these exemptions appropriately and sparingly.
- 17.2 In both cases, the appropriate CCG will provide a written response to the applicant explaining clearly why the information that they have requested cannot be provided.
- 17.3 With the exception of Section 21 (information available by other means), exemptions apply not only to the communication of information but also to the duty to confirm or deny, if that in itself would disclose information that it is reasonable to withhold.
- 17.4 Any decision to use an exemption will be taken by the appropriate CCG following advice and consultation with the Information Governance Team/Head of Corporate Governance and other senior colleagues as appropriate.

- 17.5 The CCGs will maintain documentation/communication records of the decision process.
- 18. Exceptions under EIR**
- 18.1 There is a strong presumption of openness in relation to all matters relating to the environment and only qualified exceptions can be applied under EIR.
- 19. Official Information held in Private Email Accounts**
- 19.1 FOI and EIR apply to official information held in private email accounts when held on behalf of the CCGs. It may be necessary in particular cases to request relevant individuals to search their private email accounts. The occasions when this will be necessary are expected to be rare.
- 19.2 In circumstances where information is held by another person on behalf of the CCGs, the information is considered to be held by the CCGs for the purposes of FOI and EIR (for example, a commissioning support unit). Information held in non-work personal email accounts (e.g. Hotmail, Yahoo and Gmail) may be subject to FOI and EIR if it relates to the official business of the CCGs.
- 19.3 All such information which is held by someone who has a direct, formal connection with either CCG is potentially subject to FOI and EIR regardless of whether it is held in an official or private email account. If the information held in a private account amounts to the business of the CCGs it is very likely to be held on behalf of the CCGs. In situations where information legitimately requested under FOI and EIR includes relevant information held on private email accounts, the CCGs should consider all locations where relevant information may be held.
- 19.4 Where members of staff have been asked to search their private email accounts for requested information, there should be a record of the action taken so that the CCGs are able to demonstrate, if required, that appropriate searches have been made in relation to a particular request. The Information Commissioner may need to see this. Information in private email accounts that does not relate to the business of the CCGs will not be subject to FOI and EIR.
- 20. Vexatious / Repeated Requests**
- 20.1 The CCGs are not obliged to comply with a request for information if the request is deemed to be vexatious or repeated as defined by the FOI Act or EIR. As all requests are logged for monitoring purposes, the CCGs will be able to identify those which fall into this category.
- 20.2 Where a request is refused, the CCGs will notify the applicant within 20 working days of receiving the request and explain why the request is being refused. A further notice will not be issued where the CCGs have already issued a notice that a request is being refused because it is vexatious or repeated.
- 21. Redactions**
- 21.1 If an applicant has requested all the information in a particular document but it is necessary to redact some of that information because it is exempt, it must be made clear that redactions have taken place, and cite the relevant exemption/exception as to why the information has been redacted.

- 21.2 The FOI Act/EIR applies to information, and not documents. Whilst the information requested is likely to be contained within a document, this does not mean that the document has to be released with exempt material redacted from it. Rather, it may be more appropriate to release solely the information that can be released by creating a new document with only that information contained.
- 21.3 Any hard copy information which should not be released because it is exempt will be deleted by 'black-penning' the information to be protected prior to disclosure of the remaining contents. A check must be made to ensure that the method used has been effective (for example, ensure that it cannot be read from the reverse, or by holding it up to the light). Where necessary, it will be photocopied after redaction to ensure complete obscurity.
- 21.4 Consideration must be given as to whether redaction made in electronic documents could be technologically reversed. Where necessary, the information will be printed and scanned back into electronic format.

## **22. Public Interest Test**

- 22.1 The public interest must be considered in every case where a qualified exemption applies. The Information Commissioner states that "In effect something in the public interest is something which serves the interests of the public. When applying the test, the public authority is simply deciding whether in any particular case it serves the interests of the public better to withhold or to disclose information."
- 22.2 The public interest will vary with each request and the exemption being considered. It may often include ensuring honesty, accountability, transparent decision making and the absence of bias. Advice on carrying out the public interest test is provided by the information governance team/Head of Corporate Governance. The public interest does not include protecting an authority or individual from embarrassment.
- 22.3 If a public interest test needs to be carried out and may take more than the statutory 20 working days, the CCGs will inform the applicant as soon as possible and provide an indication of when they can expect a response.

## **23. Information that has been Deleted or Amended**

- 23.1 The right of access to information under the FOI Act/EIR applies to information held by the CCGs at the time that the request is received.
- 23.2 Altering, defacing, blocking, erasing, destroying or concealing information in order to avoid providing it in response to a request may constitute a criminal offence for which the person convicted will be held personally responsible.
- 23.3 Instructing a computer to delete a particular item may not result in the item being destroyed immediately. At least for a period, the information might still be retrievable albeit with substantial cost and disruption to the system. However, where it is the intention that data should be permanently deleted, and this is not achieved only because the technology will not permit it, the CCGs will regard such data as having been permanently deleted. This information is no longer considered to be 'held' by the CCGs, and does not have to be retrieved or provided in response to a request.
- 23.4 This approach is not justified where the information has only been temporarily deleted and is stored in such a way that it could easily be recovered, for example, from the

Deleted Items folder in Outlook. This information is still considered to be 'held' by the CCGs and may have to be provided if a request is received.

#### **24. Re-use of Public Sector Information Regulations**

- 24.1 Any requesters wishing to re-use the information they have requested, in whole or in part, must submit a written request to the Head of Corporate Governance stating the purpose they wish to re-use the information for.
- 24.2 All requests will be determined in line with the 'Re-Use of Public Sector Information Regulations 2015 (SI 2015 No.1415)'.
- 24.3 All requesters will receive a response in writing within 20 working days of receipt setting out any conditions and changes that relate to the re-use of the information.

#### **25. Transferring a Request**

- 25.1 All or part of a request can be transferred to another public authority if it becomes apparent that the CCGs do not hold the information concerned. A transfer should only occur if it has been established that the other authority does hold the information concerned.
- 25.2 A request must not be transferred outside the CCG to whom the request was made without the applicant's consent.

#### **26. Appeals / Complaints**

- 26.1 Initial appeals (requests for review of decisions) or complaints about the handling of a request for information will be directed to the Head of Corporate Governance.
- 26.2 On receipt of an appeal, the Head of Corporate Governance will conduct an internal review. The internal review will examine the handling of the request as appropriate to the appeal/complaint, for example:
  - Whether the applicant was given adequate advice and guidance about their request for information;
  - Whether the procedures for responding to the request for information were followed correctly;
  - Whether, if an exemption was applied, the reasons were explained adequately to the applicant;
  - Where information was withheld, the application of any exemption will be re-examined as will any application of the public interest test in the case of a qualified exemption.
- 26.3 Where the Head of Corporate Governance has been involved in the original response, the Chief Finance Officer as SIRO, a senior manager of the CCG or partner organisation will carry out the internal review.
- 26.4 The CCGs aim to complete reviews within 20 working days of receipt. Any delay in completing the review will be communicated to the applicant.
- 26.5 Where the outcome of an appeal/complaint is that information should be disclosed which was previously withheld, the information in question will be disclosed as soon as possible and the applicant will be informed when this will be.

26.6 Any applicant has a right to apply to the Information Commissioner if they remain dissatisfied with the conduct of the CCGs following attempts at local resolution of their appeal/complaint. When the applicant is informed of the outcome of this process, they must be given the details of the Office of the Information Commissioner and informed of their right to take their complaint to that Office.

26.7 In the event that the Information Commissioner issues a decision/enforcement notice as a result of an appeal/complaint, the complainant or the CCGs may appeal to the Tribunal against the notice.

## **27. Training and Awareness**

27.1 Awareness of the provisions of the FOI, EIR and subject access will be raised through annual Data Security Awareness training as well as through internal workshops and reminder bulletins. There will be more detailed training and awareness for managers and senior staff to ensure they are aware of their responsibilities.

## **28. Records Management**

28.1 Good records management is the key to complying with requests for information. The CCGs have a Records Management and Information Lifecycle Policy and associated procedures which provide comprehensive guidance for the management of all records and is consistent with:

- a) Records Management Code of Practice for Health and Social Care - Department of Health 2016
- b) The Lord Chancellor's Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000 (November 2002)

28.2 Good records management should allow the CCGs to deal with requests in an efficient and accurate manner.

## **29. Implementation and Dissemination**

29.1 Following approval by the Audit Committees, this policy will be disseminated to staff via the intranet and communication through in-house newsletters.

29.2 This Policy will be reviewed every two years or in line with changes to relevant legislation or national guidance.

## **30. Equality impact assessment**

30.1 The CCGs aim to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. The Equality Impact Assessment for this policy is included at appendix F.

## **31. Monitoring compliance with and the effectiveness of the Policy**

### **31.1 Audit Committees**

A quarterly report will be compiled by the Head of Corporate Governance containing summarised compliance information on FOI/EIR requests for the CCGs. This includes: the number of requests received; a summary of the subject matter; the number of exemptions applied; and the time taken to respond.

Performance indicators will include:

- % of FOI requests completed within the statutory 20 working day timeframe

### **32. Legal references**

The following documents are referenced in this policy:

- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Re-Use of Public Sector Information Regulations 2015
- General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018
- Records Management Code of Practice for Health and Social Care
- Lord Chancellor's Code of Practice on the Discharge of Public Authorities' Functions under Part I of the Freedom of Information Act 2000, issued under section 45 of the Act (November 2002)
- Lord Chancellor's Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000 (November 2002) Information Commissioners Office Guidance Documents
- NHS Care Records Guarantee

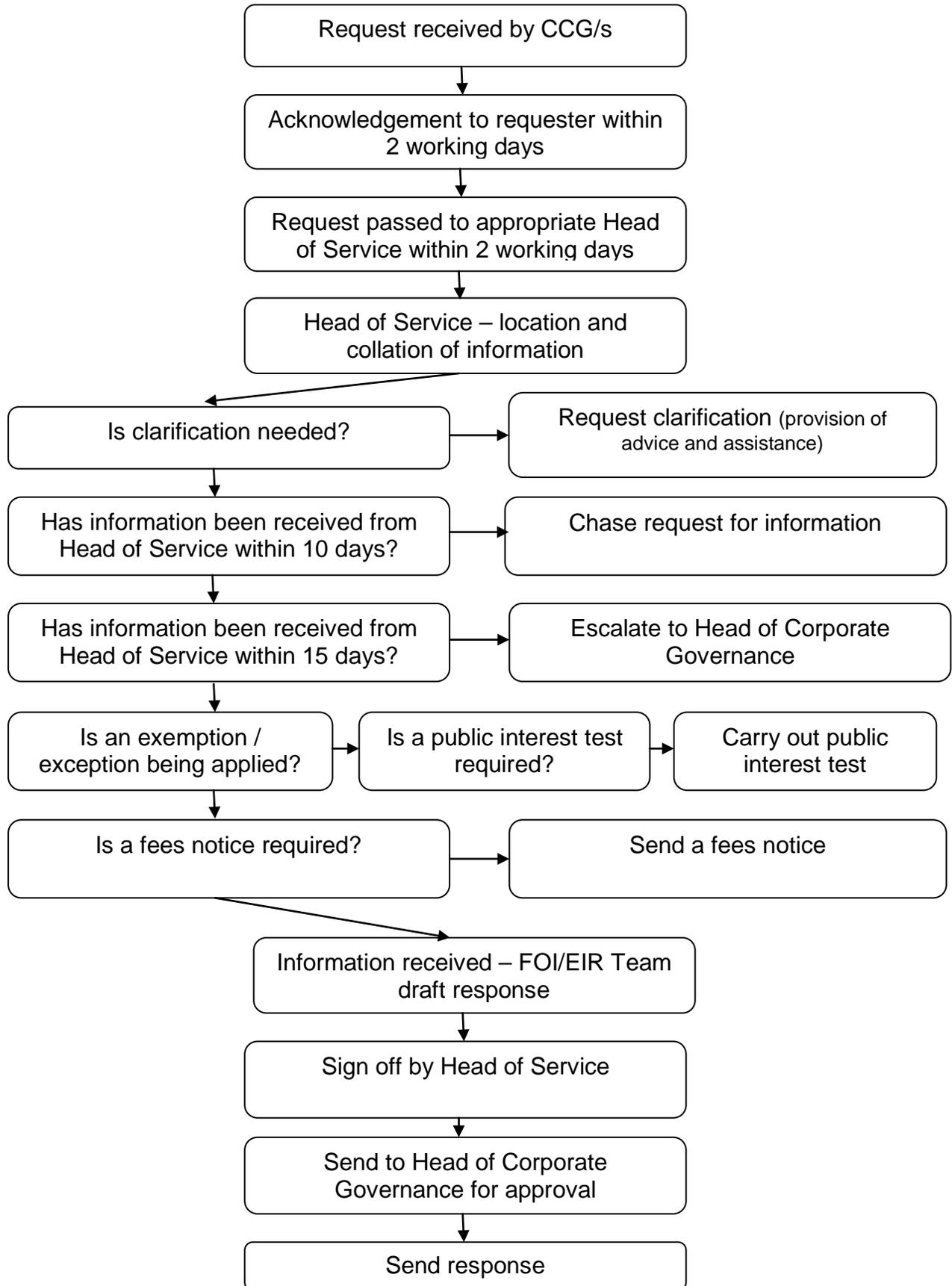
### **33. Associated Documents**

The CCGs will produce appropriate policies, procedures and guidance relating to information governance as required. This will include an Information Governance handbook which will be updated annually and which will be given to all staff.

This policy should be read in conjunction with;

- Information Governance Policy Book (including Information Governance Policy and Framework; Confidentiality and Data Protection Policy; Information Security Policy (incorporating Network Security) E-Communications and Social Media Policy; Records Management and Information Lifecycle Policy)
- Information Governance Procedures Book (including the Subject Access Request and Access to Health Records Procedure)
- 
- Complaints Framework
- Integrated Risk Management Framework
- Incident Reporting Policy
- Disciplinary Policy and Procedure
- Whistleblowing Policy
- Anti-fraud, Bribery & Corruption Policy

**FOI / EIR Handling Procedure**



## Exemptions available under Part II of the Freedom of Information Act 2000

It is essential that all managers asked to prepare Freedom of Information request responses make an early assessment as to whether one or more exemptions might apply to the requested information or part of the requested information. If it is felt that this is the case, the manager should seek the advice of the member of the Information governance team or the Head of Corporate Governance.

See guidance index: <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/>

### **Absolute Exemptions**

The information is covered by an exemption which is not subject to the Public Interest Test.

- Section 21 Information accessible to applicant by other means – it may be reasonably accessible even if the applicant has to pay for it.
- Section 23 Information supplied by, or relating to, bodies with security matters – this is aimed at the Security Services, Government Communications Headquarters and the National Criminal Intelligence Service.
- Section 32 Court records – covers documents in the custody of a court, created by a court or served on or by a public authority for court proceedings.
- Section 34 Parliamentary privilege – to avoid infringing the privileges of either House of Parliament.
- Section 36 Prejudice to effective conduct of public affairs – information is exempt if, in the opinion of a qualified person, it would prejudice how the CCG conducts its public affairs. Although the public interest test normally applies to this exemption it does not apply in the case of requests made to the House of Commons or the House of Lords.
- Section 40 (part 1 and part 2 'in part') Personal information – where the applicant is the subject of the information the request must be dealt with in accordance with the Subject Access rights provided in the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018. Where the applicant is not the subject of the information, then it is exempt if disclosure if it would breach the Data Protection Act.
- Section 41 Information provided in confidence – if the disclosure of the information would constitute a breach of confidence that could be lead to action against the CCG.
- Section 44 Prohibitions on disclosure – information is exempt if its release is prohibited under any enactment, it is incompatible with Community obligation or would constitute contempt of court.

### **Qualified Exemptions**

Exemptions require a **Public Interest Test**. The CCGs must decide whether it is in the public interest to disclose the information or to withhold it.

- Sections 22 and 22A - Information intended for future publication – covers information held with a view to publication by the public authority or another person at some future date.
- Section 24 National security – information can be exempt if it is required to safeguard national security.

- Section 26 Defence – information can be exempt if its release would affect the defence of the British Isle, any British colony or the capability and effectiveness of the armed forces.
- Section 27 International relations – information is exempt if its release would prejudice relations with another State, international organisation, international court or the interests of the UK abroad.
- Section 28 Relations within the United Kingdom – covers information that may prejudice relations between the administrations within the UK.
- Section 29 The economy – covers information that would prejudice the economic interest of the UK or of any administration in the UK.
- Section 30 Investigations and proceedings conducted by public authorities – covers information held for an investigation that the authority has a duty to conduct to decide if a person should be charged with or found guilty of an offence, relates to criminal proceedings that the authority has power to conduct or relates to civil proceedings brought by or on behalf of the authority.
- Section 31 Law enforcement – information is exempt if its release would prejudice law enforcement. This includes the prevention and detection of crime, apprehension and prosecution of offenders, administration of justice, the operation of immigration controls and the security of prisons.
- Section 33 Audit functions – this applies to authorities that have functions relation to the audit of other authority's accounts and the examination of efficiency and effectiveness of the use of their resources. This does not cover internal auditing functions of authorities.
- Section 35 Formulation of government policy – relates to government departments and the National Assembly for Wales.
- Section 36 Prejudice to effective conduct of public affairs – information is exempt if, in the opinion of a qualified person, it would prejudice how the CCG conducts its public affairs. Although the public interest test normally applies to this exemption it does not apply in the case of requests made to the House of Commons or the House of Lords.
- Section 37 Communications with Her Majesty, etc. and honours – covers Her Majesty, other members of the Royal Family.
- Section 38 Health and safety – information is exempt if its disclosure would endanger the physical health, mental health or safety of any individual.
- Section 39 Environmental information – covers information that can be accessed via the Environmental Information Regulations.
- Section 40 (part 2 'in part') Personal information – where the applicant is the subject of the information the request must be dealt with in accordance with the Subject Access rights provided in the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018. Where the applicant is not the subject of the information, then it is exempt if disclosure if it would breach the Data Protection Act.
- Section 42 Legal professional privilege
- Section 43 Commercial interests – information is exempt if it constitutes a trade secret or would prejudice or be likely to prejudice the commercial interests or any person or organisation.

## ENVIRONMENTAL INFORMATION REGULATIONS EXCEPTIONS

1. While the FOI Act contains “exemptions” which allow the withholding of information under that Act, EIRs make use of “exceptions” in respect of withholding environmental information. The following summarises the EIR exceptions.
2. While a public authority should apply a presumption in favour of disclosing environmental information, the EIRs make provision for a number of exceptions to the duty to disclose such information. However, there are fewer exceptions under EIRs in respect of the release of environmental information than exist under the FOI Act in respect of the release of non-environmental information. A presumption under the regulations that environmental information must be released, unless there are reasons to withhold it.
3. Regulation 12 lists the exceptions under which a public authority can refuse to disclose information. All the exceptions are subject to a public interest test. Those weighing the public interest of whether to release or withhold information should interpret the exceptions very carefully.
4. **A request for information can be refused (or part of the information withheld) if:**
  - Information is not held (then there is a duty to refer the request on)
  - The request is manifestly unreasonable
  - The request is too general (after fulfilling duty to advise and assist)
  - The request is for unfinished documents or data (in which case estimated time for completion must be given)
  - The request is for internal communications
5. **A public authority may also refuse to disclose information or withhold part of it in order to protect the following:**
  - Confidentiality of proceedings
  - International relations / public security / defence
  - The course of justice and right to fair trial
  - Commercial confidentiality
  - Intellectual property rights
  - Personal / voluntary data
  - Environmental protection
6. If information relates to emissions, a public authority cannot refuse to disclose it on grounds of confidentiality of proceedings, commercial confidentiality, personal/ voluntary data or environmental protection.
7. **Public Interest Test** - It is important to note that none of the exceptions is absolute. For all of these exceptions, the public authority can only refuse to disclose environmental information **if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.** There should always be a presumption in favour of disclosure, and, where there is a balance between the two public interests, information should be disclosed.
8. Detailed guidance about Environmental Information Regulations and applying exceptions is available from the Information Commissioner’s website  
[http://www.ico.org.uk/upload/documents/library/environmental\\_info\\_reg/introductory/introduction\\_to\\_eir\\_exceptions.pdf](http://www.ico.org.uk/upload/documents/library/environmental_info_reg/introductory/introduction_to_eir_exceptions.pdf)

## Summary of the FOI Fee Regulations 2004

The following summary is in line with Statutory Instrument 2004 No. 3244:  
The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

<http://www.legislation.hmsso.gov.uk/si/si2004/20043244.htm>

### Introduction

Under the FOIA, the Regulations governing the appropriate limit, and the fees that can be charged for requests for information, came into force, along with the Act's new rights of access to information, on 1 January 2005.

### The appropriate limit

The 'appropriate limit', for the purposes of Section 12 of the Freedom of Information Act 2000 has been set at:

- £600 for central government and Parliament; and
- **£450** for other public authorities, including local authorities, police, the **health service** and education.

The appropriate limit has to be applied, separately, to the duty under Section 1(1) (a) of the FOIA to confirm or deny whether the information is held. It is only if it would cost more than the appropriate limit to confirm or deny, by itself, that the obligation to do so is removed.

It will often be immediately obvious that the cost will not exceed the appropriate limit. But if a request is more complicated and likely to take longer to answer, the public authority will have to consider on a case by case basis if it wishes to estimate whether the appropriate limit would be exceeded in advance.

The Regulations set out what may be taken into account when public authorities are estimating whether the appropriate limit has been exceeded. The costs are limited to those that an authority reasonably expects to incur in:

- determining whether it **holds** the information requested,
- **locating** the information or documents containing the information,
- **retrieving** such information or documents, and
- **extracting** the information from the document containing it (including editing or redacting information).

The authority may take into account the costs attributable to the time that persons are expected to spend on these activities.

In order to achieve consistency, all public authorities should use the same hourly rate when estimating staff-time costs, regardless of the actual costs. The **hourly rate** is set at **£25** per person per hour. If the costs attributable to the time spent on these activities, at **£25** per person per hour, would cost **more** than the appropriate limit of £450 to answer, the public authority is not obliged to answer it.

But, if a request would cost **less** than the appropriate limit to answer, it **cannot charge for** the areas listed above under what may be taken into account in relation to the request.

An authority may not take into account any costs other than those set out in the Regulations. In particular it may not take account of the expected costs of:

- the time taken to **check** that a **request** for information **meets the requirements** of the FOIA;
- **considering** whether the information requested should be withheld in reliance on **an exemption** (this includes any costs incurred through seeking legal advice about whether exemptions apply);
- **considering** whether a request is **vexatious** or a **repeated** request;
- **obtaining authorisation** to send out the information;
- the time taken to **calculate any fee** to be charged; or
- **advice and assistance** provided under Section 16 of the FOIA.

### **Requests costing less than the appropriate limit**

If a request would cost less than the appropriate limit to answer, and there is no other basis on which it may be refused or otherwise dealt with, the public authority must comply with the request. It **cannot charge for** the areas listed above under what may be taken into account in relation to the request. The fees that can be charged are much more restricted than when the appropriate limit is exceeded, with the public authority bearing the majority of the costs of the request.

Authorities can **develop their own policies** on charging fees below the maximum, with the discretion to charge a lower fee or waive fees altogether.

In cases where the appropriate limit has not been exceeded, the maximum fee that could be charged is based on an authority's estimate of the costs that it reasonably expects to incur in:

- informing the person making the request whether it holds the information;
- and communicating the information to the person making the request.

This **includes the costs of:**

- putting the information in the applicant's preferred format, so far as this is reasonably practicable, as set out in Section 11(1) of the Act;
- reproducing any document containing the information, e.g. photocopying or printing; and
- postage and other forms of communicating the information.

When the appropriate limit has not been met, it is only these costs which may be taken into account for the purposes of calculating the maximum fee. In addition, no account can be taken of staff time in undertaking these activities, nor of the costs involved with calculating whether the appropriate limit would be exceeded. For example, if the appropriate limit was not exceeded and you were providing information to an applicant:

- you could not charge for the time taken to locate, retrieve or extract the information or to write a covering letter to the applicant explaining that the information is being provided,
- you could charge for the cost of paper when photocopying or printing the information and printing the covering letter, as well as the cost of postage.
  
- Public authorities have a duty to give effect to an applicant's **preferred format** for receiving information, so far as this is reasonably practicable. This may include:
  - summarising the information;
  - providing the applicant with a copy (for example by photocopying or printing);
  - allowing the applicant reasonable opportunity to inspect a record containing the information;
  - producing material in an applicant's preferred format (for example by putting it onto CD-ROM); or

- translating information into a different language at the request of the applicant. If a public authority regularly works in the language requested and has an in-house translation service, it should consider waiving any translation costs. However, public authorities are not obliged under the Act to translate documents if this would not be 'reasonably practicable'.

Authorities can charge for the actual costs incurred, but charges are expected to be reasonable. For example, in most cases, **photocopying and printing** would be expected to cost no more than 10 pence per sheet of paper.

In some cases, authorities may be required by **other legislation** to produce information in a particular format or a different language at no additional cost (and should not therefore charge for it as part of complying with the FOIA). For example, the requirement to make reasonable adjustments for disabled people under the Equality Act 2010 could require an authority to produce material in a format such as Braille or on audio tape.

Where the maximum fee would be very low - ie **less than £5 or £10** - public authorities are encouraged to consider waiving the fee altogether.

If a public authority proposes to charge a fee for answering a request, it must **issue a fees notice** to the applicant, stating the fee. The fees notice should usually be issued before any costs are incurred in preparing to communicate the answer to the request. When an authority issues a fees notice, the applicant has three months to pay. If payment is not forthcoming, the authority does not have to answer the request (Section 9(2) of the Act).

Requests for information have to be answered promptly and in any event not later than the **twentieth working day** following date of receipt. However, where the authority has given a fees notice to the applicant, the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating the twentieth working day following the date of receipt.

If the actual cost of answering the request turns out to be greater than the estimated cost charged by way of a maximum fee, the authority must **bear the additional cost**. The FOIA does not allow for authorities to issue another fees notice to cover the additional cost. But if the actual cost of answering the request proves to be less than the fee charged, the public authority should consider **refunding** the excess money to the applicant.

### **Requests costing more than the appropriate limit**

If requests would cost more than the appropriate limit to answer, the public authority is not obliged under Section 1 of the FOIA to answer it. However, Section 16(1) requires the authority to **'provide advice and assistance**, and see if the question could be refined to a more manageable level, or resubmitted in part, to bring it below the appropriate limit'.

### **Fees and information that is exempt under the FOIA**

Information that is exempt through one of the exemptions listed in Part II of the Act is not affected by the FOI fees regime.

Information is (absolutely) exempt if it is 'reasonably accessible' to the applicant. Information will always be considered reasonably accessible if:

- the authority is obliged to communicate it to the applicant under some other Act, or
- the information is made available in accordance with the authority's Publication Scheme.

Authorities **can charge fees** outside the terms of the Regulations for providing information **through the Publication Scheme**, provided that this is made clear as part of the scheme. For example, this could include set fees for specific pieces of information, or information about how any fees would be charged (such as a set rate per hour of work, a scale of charges, or the market rates for the work).

## **VAT**

The rules apply equally to requests that are above or below the appropriate limit. The key determining factor as to whether VAT is charged is whether the information is available from another source that is not a public authority.

- If an authority was asked for information, and the information was only available from that authority or another public authority, any fees charged would not attract VAT.
- If an authority was asked for information that was available from another source that is not a public authority, any fees would attract VAT.
- Fees charged for information that is provided in accordance with a public authority's Publication Scheme will attract VAT.

### Freedom of Information and Environmental Information Regulations Review Process

1. This procedure will deal with complaints arising from the CCGs' obligations under the FOI and EIR in respect of maintenance of the publication scheme, and handling of requests for information.
2. The CCGs' publication scheme will notify individuals about who they should complain to about the maintenance of the scheme and inform individuals of their right to complain to the Information Commissioner's Office.
3. When communicating any decision made in relation to a request, the CCGs will notify the applicant of their right of complaint. They should be informed of the CCGs' review process for dealing with issues relating the publication scheme or handling of requests. They should also be informed of the right to complain to the Information Commissioner.
4. Any written communication (including one transmitted by electronic means) expressing dissatisfaction with the CCGs' response to a valid request for information, or operation of the publication scheme will be classed as a complaint.
5. Complaints should be handled initially by the Governance Manager (Customer Information and Complaints).

FOI/EIR complaints should be addressed to the:

Governance Manager (Customer Information and Complaints)  
NHS Greater Huddersfield CCG & North Kirklees CCG  
2nd Floor Norwich Union House Market Street Huddersfield HD1 2LF

6. The Governance Manager will acknowledge receipt and completion of the complaint.
7. The Governance Manager will liaise with the Information Governance Manager to identify an appropriate person to manage the review.
8. The applicant will be informed:
  - That review process is taking place
  - The intended date that the review process will be completed and a response sent
9. The review process should be completed within 20 days of the letter of complaint. Where the intended date of the review cannot be met, the applicant must be informed as to the delay and be given a new date for completion.
10. The review will be carried out by senior staff members who have had no previous involvement in the original request. They will base their decision on receipt of relevant information and guidance relating to the case. They will liaise with the person who made the original decision who must provide their reasoning for coming to their decision.
11. The Information Governance Team will provide expert advice and/or conduct the review for the CCGs.
12. Where the exemption to be applied is a qualified exemption the person(s) carrying out the review must carry out a public interest test and document their reasons for either non-disclosure or disclosure of the requested information.

13. If the refusal notice is on the grounds of cost (exceeds £450.00 or 18 working hours) documentary evidence must be produce as to how the request exceeds the limit.
14. Where the outcome of the complaint is that information should be disclosed which was previously withheld, the information in question should be disclosed as soon as practicable and the applicant be informed as to how soon this will be.
15. Where the outcome of a complaint is that procedures within the CCGs have not been properly followed by staff the CCGs will apologise to the applicant and take appropriate steps to prevent similar errors in future.
16. Where the outcome of a complaint is that the initial decision was correct or is otherwise in the CCGs' favour, the applicant should be informed of the decision and also of their right to apply to the Information Commissioner (contact details below):

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Telephone: 0303 123 1113

17. The letter outlining the outcome of the review will be signed by the Chief Officer.

<b>Title of policy, project or service</b>	Freedom of Information Policy	
<b>Service Area</b>	Corporate Governance	
<b>Name and role of people completing the assessment</b>	Head of Corporate Governance /	
<b>Date assessment started/completed</b>	14/3/18 (reviewed 06/07/20)	

<b>1. Outline</b>	
<p><b>Give a brief summary of your policy, project or service</b></p> <ul style="list-style-type: none"> <li>• Aims</li> <li>• Objectives</li> <li>• Links to other policies, including partners, national or regional</li> </ul>	<p>The aim of this policy is to:</p> <ul style="list-style-type: none"> <li>- Ensure all requests for information are dealt with consistently and receive a high quality response however and wherever the contact is made</li> <li>- Ensure that the CCGs comply with all relevant regulations, laws and guidance;</li> <li>- Ensure staff at all levels are aware of their responsibilities with regards to the Act and Regulations, be it in directing any queries to the appropriate person/department, or in ensuring they provide any information requested in a timely fashion;</li> <li>- Ensure timescales are met;</li> <li>- Ensure the Governing Bodies are fully informed on the operation of the Act and Regulations and any implications to the service.</li> </ul>
<p><b>What outcomes do you want to achieve</b></p> <ul style="list-style-type: none"> <li>• Desired outcomes</li> <li>• Benefits</li> <li>• Who for</li> </ul>	<p>Demonstrate the organisations' compliance with legislation and their commitment to being open and transparent in its decisions by managing public access to the information it holds.</p>

**2. Consideration of relevant information – what do we know about peoples and groups access, experience or**

<b>outcomes?</b>	
<b>Protected group</b>	<b>2a. Consultation, engagement or experience data</b>
<b>Generic issues</b>	No impact on any protected group from the FOI & EIR Policy has been identified - the impact on protected groups of individual services will be assessed as the need arises. Any equality issues raised will be reviewed and acted upon as appropriate, with this EQIA amended accordingly.
<b>Human rights</b>	No specific relevant data
<b>Age</b>	No specific relevant data
<b>Carers</b>	No specific relevant data
<b>Disability</b>	No specific relevant data
<b>Sex</b>	No specific relevant data
<b>Race</b>	No specific relevant data
<b>Religion or belief</b>	No specific relevant data
<b>Sexual orientation</b>	No specific relevant data
<b>Gender reassignment</b>	No specific relevant data
<b>Pregnancy and maternity</b>	No specific relevant data
<b>Marriage and civil partnership (only eliminating discrimination)</b>	No specific relevant data
<b>Other relevant group</b> a group identified as relevant ie, rural communities, asylum seekers and refugees	No specific relevant data

<b>Protected group</b>	<b>2b. Evidence, data or research available</b>
<b>Generic issues</b>	No specific relevant data
<b>Human rights</b>	No specific relevant data
<b>Age</b>	No specific relevant data
<b>Carers</b>	No specific relevant data
<b>Disability</b>	No specific relevant data
<b>Sex</b>	No specific relevant data
<b>Race</b>	No specific relevant data
<b>Religion or belief</b>	No specific relevant data

<b>Sexual orientation</b>	No specific relevant data
<b>Gender reassignment</b>	No specific relevant data
<b>Pregnancy and maternity</b>	No specific relevant data
<b>Marriage and civil partnership (only eliminating discrimination)</b>	No specific relevant data
<b>Other relevant group</b>	No specific relevant data

<b>3. Analysis of impact</b>			
<p>This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination</li> <li>• advance equality of opportunity</li> <li>• foster good relations</li> </ul>			
	<b>What key issues have you identified?</b>	<b>What action do you need to take to address these issues?</b>	<b>What difference will this make?</b>
<b>General issues</b>	None		
<b>Human rights</b>	None		
<b>Age</b>	None		
<b>Carers</b>	None		
<b>Disability</b>	None		
<b>Sex</b>	None		
<b>Race</b>	None		
<b>Religion or belief</b>	None		
<b>Sexual orientation</b>	None		
<b>Gender reassignment</b>	None		
<b>Pregnancy and maternity</b>	None		
<b>Marriage and civil partnership (only eliminating discrimination)</b>	None		
<b>Other relevant group</b>	None		

Using the above actions populate the plan below.

<b>4. Action plan</b>
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Action	Progress milestones	Lead	Timescale	How will impact be measured
N/a				

5. Monitoring, Review and Publication				
How will you review/monitor the impact and effectiveness of your actions	N/a			
How will these actions form part of mainstream activity	N/a			
Lead Officer	Governance Manager	Review date:	July 2022	

6. Sign off				
Lead Officer	Governance Manager			
Director	Head of Corporate Governance	Date approved:	6 July 2020	

