

Freedom of Information Act 2000 Policy

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1. Policy Statement

- 1.1 The Trust is committed to being open and honest in the conduct of its operations and to complying fully with the Freedom of Information Act.
- 1.2 The Trust will place in the public domain as much information about its activities as is practicable and, subject to the exemptions permitted under the Act, will make all other information available on request.
- 1.3 All Trust employees must be aware of and adhere to the measures outlined in this Policy, which applies to all individuals engaged in the discharge of the duties of this Trust, in order that compliance with legislation and good practice can be maintained. A failure to adhere to this Policy and relevant procedures may result in the Information Commissioner's Office (ICO) taking regulatory action against the Trust and may lead to disciplinary action.

2. Introduction

- 2.1 The Freedom of Information Act 2000 allows any member of the public, including employees, patients and the media, access to information stored by the Trust.
- 2.2 These access rights include any documents drafted before the Act came into effect. Although some information, such as patient identifiable information, will be exempt, most information will not. Therefore, it is likely that minutes, reports, e-mails, correspondence etc. may be requested and read by people for whom they were not originally intended.
- 2.5 When entering into contracts the Trust will refuse to include contractual terms which purport to restrict the disclosure of information held by the Trust and relating to the contract beyond the restrictions permitted by the Act. 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.

3. Purpose

- 3.1 The purpose of this document is to :
 - Summarise the Trust's process to ensure compliance with the Freedom of Information Act
 - Advise staff of their responsibilities under the Act .

4. Scope

- 4.1 This policy relates to all types of recorded information held by the Trust under the Act, including (but not limited to):
 - Official documents – drafts, emails, notes, recordings of telephone conversations and CCTV recordings.
 - Video and Audio Recordings and Microfiche

- Storage, filing and record systems – paper and electronic
- Transmission of information – e-mail, post, telephone and fax
- Images, including CCTV and photographs
- Personnel information e.g. Staffing Posts, Grades, etc
- Financial information
- All systems used by the Trust
- Organisational information.

4.2 This policy applies to:

- All Trust employees including those on fixed term contracts

5. Duties

5.1 The Chief Executive has overall responsibility for the Freedom of Information Act in the Trust. As the Accountable Officer, he is responsible for the management of the organisation and for ensuring appropriate mechanisms are in place to support service delivery and continuity.

5.2 All staff are obliged to adhere to this policy. A failure to adhere to this Policy and its associated procedures may result in disciplinary action.

5.3 Managers at all levels are responsible for ensuring that the staff for whom they are responsible are aware of and adhere to this Policy. They are also responsible for ensuring staff are updated in regard to any changes in this Policy.

5.4 The Information Governance Officer will oversee the implementation of this Policy. The Information Governance Officer will establish systems and procedures that will support the implementation of this Policy which, as stated above, all staff will be expected to adhere to.

6. Definitions

6.1 Terms used are those contained in the Freedom of Information Act and defined by the Information Commissioner.

7. Ownership & Consultation

7.1 The Information Governance Officer is the owner of this policy. The Information Governance and Health Records Committee and the Information Governance Advisory Committee have been consulted throughout the process of drafting this policy.

8. Ratification Details

8.1 This policy is ratified by the Director of Service Delivery who is the Trust's Senior Information Risk Owner.

9. Release Details

- 9.1 This policy will be published on the Trust's intranet within the Information Governance pages.

10. Review Arrangements

- 10.1 This policy will be reviewed every 3 years, subject to changes in legislation, advances in technology or the production of national/regional guidance.

11. Process for Monitoring Compliance

- 11.1 The Information Governance Officer will maintain a log of FOI requests received, subject matter requested, and time taken to deal with each request.
- 11.2 The Information Governance Annual Report presented to the Governance Committee will provide an overview of performance against the standards set out in the FOI Act.

12. Training and Awareness

- 12.1 Guidance on Freedom of Information Requests is produced and managed by the Trust Secretary and Information Governance Officer. No direct training of staff is required.

Policy Principles

13. Publication Scheme

- 13.1 The Trust will maintain a publication scheme which will contain classes of information as defined by the Information Commissioner.
- 13.2 The Trust's Publication Scheme details the information that the Trust publishes at that point in time and intends to publish in the future, in order that individuals can access the information without making a specific application. . The Publication Scheme is available on our website at:-
- <http://www.2gether.nhs.uk/freedom-of-information-requests> or in hard copy on request from the Information Governance department.
- 13.4 Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provision of the Freedom of Information Act.

14. Means by Which Information Will be Conveyed

- 14.1 The Trust will make every reasonable effort to provide information in the format it is requested. Generally, the Trust will send information via email,

however where there is a legitimate request for information to be sent by a different method, the Trust will aim to accommodate the request.

- 14.2 An applicant may ask for information to be provided in any form, for example, electronically, paper documents, audio tape, video tape or even verbally under section 11(1)(a). In these circumstances the Trust would keep a record of the conversation and the information that was provided, to be able to demonstrate it has fully complied with its duties under the Act.

15. Handling Incoming Freedom of Information Requests

- 15.1 For a request to be valid under the Freedom of Information Act it must be in writing, and requesters must provide their real name, but requesters do not have to mention the Act or direct their request to a designated member of staff.
- 15.2 All applications for information under the Freedom of Information Act (2000) must be submitted via a dedicated email address, where all requests are co-ordinated by the Information Governance Officer. Requests will be automatically acknowledged and a log of all requests will be maintained.
- 15.3 In accordance with the Act, the Trust will offer advice and assistance to requesters.
- 15.4 In the event that an information request is directed to another member of staff or department, other than the Information Governance Officer, the request should be forwarded by email to the Information Governance Officer **within the same working day** to 2gnft.Information-Freedom@nhs.net. Freedom of Information is governed by strict timescales.
- 15.5 Staff must not respond to requests directly due to the complexities of the Freedom of Information Act and reporting requirements.
- 15.6 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.
- 15.7 Freedom of Information requests will be dealt with following the provisions laid out in the Freedom of Information Act (2000).

16. Complaints about the Discharge of the Duties of the Trust under the Act

- 16.1 The Trust will operate a complaints procedure in accordance with the Freedom of Information Act.

17. References

- Data Protection Act 1998

- Freedom of Information Act 2000
- NHS Records: Code of Practice
- Ministry of Justice 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.
- Ministry of Justice Code of Practice on the Management of Records under Section 46 of the Freedom of Information Act 2000, November 2002.
- Guidance on the application of the Freedom of Information and Data Protection
- (Appropriate Limit and Fees) Regulations 2004

18. Associated Documentation and Supporting Documents

18.1 The issues covered in this Policy have relevant interactions with other areas covered by the following Trust Policies and must be read in conjunction:

- Information Governance Framework
- Data Protection and Confidentiality Policy
- Information Security Policy
- IT Security Policy