

Freedom of Information Act 2000



Information for Clinical Commissioning Group (CCG) staff  
December 2016

The Freedom of Information Act 2000 (FOIA) encourages transparency within the public sector and assumes that openness is standard so that, for example, decisions on how public money is spent or services provided can be seen and understood.

This guidance is designed to help you understand your responsibilities under the FOIA, and the procedures in place to assist the CCG in the management of requests.

North Hampshire CCG

Freedom of Information Email: [nhccg.foi@nhs.net](mailto:nhccg.foi@nhs.net)

## **How do I identify a Freedom of Information Act request?**

Any member of the public can ask to see information that is held by the CCG and any member of staff may be approached and asked for information under the FOIA.

The law requires the CCG to respond **within 20 working days** of receipt and staff need, therefore, to be alert to any requests received to ensure they are processed promptly and appropriately.

## **Who and why?**

The FOIA gives a right of access to information and does not require justification or the reason behind the request to be provided by the requestor.

## **ALL staff have a duty to:**

**Recognise requests made under the FOIA** – enquirers do not have to mention the term, however the following categories of enquiries are unlikely to fall within the remit of the FOIA; (do ask the NHCCG Business team if you are unsure):

- A solicitor's letter
- A complaint
- A request for access to personal records
- A press enquiry that does not refer to the FOIA or EIR
- Research
- A routine enquiry which can be responded to as 'business as usual' i.e. advice, leaflets, contacts etc.

## **Provide help and advice to applicants:**

- Direct all requests to the NHCCG Freedom of Information lead for action
- Advise applicants that the request must be written (e-mail is acceptable) and includes a name and contact address; help them put their request in writing if necessary.
- Direct requesters to the online CCG Publication Scheme if it is known – the information requested can be sourced there.

- Advise there are a number of exemptions within the FOIA under which the CCG may not be obliged to provide the information requested.
- Advise that a fee may be applicable, depending on the type and size of the request.

### **Requests for information you may hold**

The CCG, its staff and hosted organisations are obliged to respond to requests; failure to comply with the FOIA has legal implications not only for the CCG but for each individual member of staff. More detailed advice is held in Section 4 of the CCG FOI Policy and in the '*CCG procedure for handling FOI enquiries*'.

The Business team will approach the team within the CCG they think will best be able to respond to an enquiry, however if you are asked to provide information and this does not fall within your remit then please let us know immediately. We will suggest an initial timeframe for response.

Please contact us by return if:

- you require further clarification from the enquirer
- you anticipate the time involved in providing the information requested will exceed the fees limit (18 hours' work)
- you do not hold this information (if we don't hold the requested information we are not obliged to provide, therefore you do not need to request it from another source)
- you forward this e-mail to another party for action

### **Possible exemptions to consider**

The FOIA contains 23 exemptions to the right of access. Those most commonly used by the CCG are listed here; a full list can be found within the CCG's FOI Policy. Please contact the Business team if you have concerns about the disclosure of requested information:

**S21** – Information accessible to applicant by other means. Is this information published elsewhere? If so, please provide relevant source detail.

**S22** – Information intended for future publication. (Subject to the Public Interest Test)

## **S40** – Personal information

**S43** – Commercial interests. Would the provision of this information be prejudicial to the commercial interests of the CCG, CSU, contractor or other? (Subject to the Public Interest Test)

The NHCCG FOI team procedure following receipt of an enquiry made under the FOIA can be found in Appendix 2 of the CCGs “*Freedom of Information Policy*” – the NHCCG FOI team will usually provide a timeframe for you to respond at the outset of the enquiry.

## **Ensuring information is appropriate and available**

Under the FOIA all types of recorded information can be requested and may be disclosed, including everything written in notebooks or on “Post It” notes as well as your formal paper and electronic records. Very little information is “exempt” – this is only applicable where the public interest is best served by non-disclosure; embarrassment does not qualify so:

- Ensure you comply with the CCG “*Records Management Policy*”
- Ensure information you are responsible for is readily available
- Ensure you comply with the CCG “*E-mail guidance*”

## **Further information**

- The CCG “*Freedom of Information Policy*”
- The CCG Publication Scheme
- The Information Commissioner’s Office: <https://ico.org.uk/>

## **Contacts**

Freedom of Information email: [nhccg.foi@nhs.net](mailto:nhccg.foi@nhs.net)

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