

Freedom of Information Act Policy

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Purpose:	The policy details the Trust's process to ensure compliance with legislation and advise staff of their responsibilities.
Consultation:	Information Governance Group Trust Secretariat
Approved by:	Information Governance Group
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Version History

Versio	Date	Reason for Change
1.1	Oct 2019	<i>Initial Version transfer to Gloucestershire Health and Care NHS Foundation Trust (GHC)</i>
2		
etc		

PART 1

SUMMARY

This page summarises the key points of this policy. You should ensure that you read the policy in full to comply with its requirements.

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 (FOI).

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 FOI, will make all other information available on request.

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.

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PART 2

1. INTRODUCTION

- 1.1 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.
- 1.2 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.
- 1.3 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.

2. PURPOSE

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

3. SCOPE

- 3.1 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; and,
 - Organisational information.
- 3.2 This policy applies to:
 - All Trust employees including those on fixed term contracts.

4. DUTIES

- 4.1 The Chief Executive has overall responsibility for the FOI 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.

- 4.2 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.
- 4.3 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.
- 4.4 The Information Governance Manager will oversee the implementation of this Policy. They 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.
- 4.5 The Freedom of Information Officer will administer, coordinate the FOI process in line with this policy and the Act. They will produce, as needed, reports for the Board and the Data Security and Protection Toolkit (DSPT). They will act as the central point of contact for all things FOI related, supported by the IG Manager.

5. POLICY PRINCIPLES

5.1 PUBLICATION SCHEME

- 5.1.1 The Trust will maintain a publication scheme which will contain classes of information as defined by the Information Commissioner.
- 5.1.2 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 or I hard copy from the Trust Secretariat.
- 5.1.3 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 FOI.

5.2 MEANS BY WHICH INFORMATION WILL BE CONVEYED

- 5.2.1 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.
- 5.2.2 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.

5.3 HANDLING INCOMING FREEDOM OF INFORMATION REQUESTS

- 5.3.1 For a request to be valid under the FOI 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.
- 5.3.2 All applications for information under the FOI must be submitted via a dedicated email address, where all requests are co-ordinated by the FOI officer. Requests will be automatically acknowledged and a log of all requests will be maintained.

- 5.3.3 In accordance with the Act, the Trust will offer advice and assistance to requesters.
- 5.3.4 In the event that an information request is directed to another member of staff or department, other than the FOI Officer, the request should be forwarded by email to the FOI Officer **within the same working day** to FreedomofInformation@ghc.nhs.uk. FOI is governed by strict timescales.
- 5.3.5 Staff must not respond to requests directly due to the complexities of the Freedom of Information Act and reporting requirements.
- 5.3.6 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.
- 5.3.7 FOI requests will be dealt with following the provisions laid out in the Freedom of Information Act (2000).
- 5.4 COMPLAINTS ABOUT THE DISCHARGE OF THE DUTIES OF THE TRUST UNDER THE ACT**
- 5.4.1 The Trust will operate a complaints procedure in accordance with the FOI Act.

PART 3 – Explanatory information

6. DEFINITIONS

<i>FOI</i>	<i>The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways: public authorities are obliged to publish certain information about their activities; and. members of the public are entitled to request information from public authorities. Freedom of Information Act 2000</i>
<i>ICO</i>	<i>The Information Commissioner’s Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The ICO is authorised to take enforcement action against bodies, including fines. ICO</i>
<i>CCTV</i>	<i>Close Circuit Television, a recording system that monitors public and restricted areas to ensure and maintain the security of the premises, equipment and staff.</i>
<i>DSPT</i>	<i>Data Security and Protection Toolkit, a statutory reporting tool that ensures that a minimal standard of information governance and information security is achieved by Health and Social Care related organisations. It is the central reporting tool for breaches of Data Protection legislation.</i>

7. PROCESS FOR MONITORING COMPLIANCE

- 7.1 The FOI Officer will administer and monitor the process, maintaining a log of all FOI request received, to include details of the subject matter requested, the subject matter provided, and the time taken to process each request. They will report concerns to and be supported by the IG Manager.
- 7.2 The IG Manger will oversee and monitor the process against the policy, ICO guidance and legislation.
- 7.3 The Policy will be reviewed and monitored by the Author, the approving executive or committee approving.
- 7.4 The Board will monitor compliance through periodic reports to them.

8. TRAINING

- 8.1 No Specific FOI training is required for Trust staff

9. REFERENCES

10. ASSOCIATED DOCUMENTS

APPENDICES